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PEEL AND O'CONNELL



# PEEL AND O'CONNELL

*A REVIEW OF THE IRISH POLICY  
OF PARLIAMENT FROM THE ACT OF UNION TO  
THE DEATH OF SIR ROBERT PEEL*

BY THE

RIGHT HON. G. SHAW LEFEVRE, M.P.  
(*hon. Eversley*)

LONDON

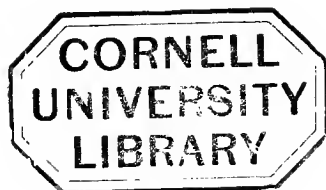
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## P R E F A C E.

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DURING the last five years I have had frequent occasions to look back at the proceedings of Parliament on Irish affairs since the Act of Union ; my studies confirmed the conclusion, which other considerations had gradually forced upon me, that a complete change was necessary in the Legislative and Administrative systems of Ireland.

In view of the issues now before the country, I have ventured to expand my notes of the first fifty years after the Union into a narrative of the Irish policy of Parliament. I have not gone further than the year 1850, in part because the death of Sir Robert Peel, who was so largely responsible for that policy, marks a distinct epoch in Irish history, and in part because it is more difficult to write with the same freedom of many subsequent events.

I have not proposed to write a complete history of Ireland during this period ; my object has been to explain the action of Parliament in respect to Irish affairs. Neither have I intended to give a full biography of O'Connell, still less of Sir Robert Peel. They are, however, the two commanding figures of the opposing forces during this time. I have endeavoured to exhibit their views and their policy, and those of some others of the contemporary statesmen, as fairly as possible, by frequent references to their own language.

It is unnecessary to refer to the numerous authori-

ties I have consulted on the first few years of the century. They are very rich in memoirs of statesmen of the day. The same cannot be said of the later years. The letters and papers of Sir Robert Peel, Lord Russell, and the late Lord Derby, have not yet been published. Although four distinct works have been written on the life of O'Connell (by his son, John O'Connell, by Mr. Fagan, Mr. Luby, and Mr. Cusack), they are all very deficient; they have this in common, that they stop short about the middle of his career, and devote only a few pages to the last half of his life. Mr. Lecky's short sketch of O'Connell, in his "*Leaders of Public Opinion in Ireland*," is by far the most valuable critique that has yet been written on him. A new and popular edition of this work is urgently needed, and could not fail to influence public opinion at the present time. Mr. McCullagh Torrens's "*Life of Sheil*" and "*Life of Lord Melbourne*" are most excellent contributions to Irish history. The works of Sir C. Gavan Duffy, Mr. Justin McCarthy, Mr. A. M. Sullivan, and Mr. T. P. O'Connor on the Young Ireland party and the Irish famine are also of great interest. In respect of the legislation for Ireland, Mr. R. Barry O'Brien's work, of "*Fifty Years of Concession to Ireland*," is a mine of wealth. For a wider view of Irish history in combination with that of Great Britain, Mr. Spencer Walpole's latest volumes of his "*History of England*" are of the greatest value for their accuracy and for their impartial treatment of the subject.

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# PEEL AND O'CONNELL.

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## PART I.

### CATHOLIC EMANCIPATION.

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#### CHAPTER I.

IN the two powerful speeches, which Mr. Pitt delivered in the House of Commons, in 1799 and 1800, on the subject of the union of Great Britain with Ireland, the motives for the measure, and the benefits expected to result from it to both countries, were explained with a stately eloquence, which had rarely been surpassed, and which, by the impression it produced on Parliament, secured the success of his policy. The settlement, he contended, made with Ireland in 1782, by Mr. Fox, so far from deserving the name of a final adjustment, was one that left its connection with Great Britain exposed to all the attacks of party, and all the effects of accident. The ties were not sufficient to unite the two countries in time of peace, still less to consolidate them in time of war. Ireland, he maintained, was subject to great and deplorable evils, which had deep root in the situation of the country itself, in the character and manners of its inhabitants, in their ignorance, in the unavoidable separation of classes, in the state of property, in its religious distinctions, in the rancour which "bigotry engenders

and superstition rears and cherishes." The country was in great want of capital, which could only be supplied by blending it more closely with the industry and capital of its richer neighbour. England was to gain by the Union an increase of strength, and the consolidation of its power against the dangers which threatened the Empire; Ireland was to gain protection in the hour of danger, increase of commerce, command of English capital, and the avenue to honours, distinctions, and appointments in the general service of the Empire. He admitted that Dublin would lose much by the transfer of the Irish Parliament to England, and the consequent attraction of wealth and fashion to London, but it would gain even more by the increase of its commerce and wealth.

The United Parliament, Mr. Pitt contended, would be far better able to deal with the difficult questions, which separated classes and sects in Ireland, than the Irish Parliament. While Ireland remained a separate kingdom, full concessions could not be made to the Catholics, without endangering the State, and shaking the constitution of Ireland to its centre. It was more likely also that the united legislature would propose some measure to relieve the lower orders in Ireland from the pressure of tithes, which in many instances operated as a great practical evil. In the course of the last of these speeches he used these words: "In the union of a great nation with a less we must feel that we ought not to be influenced by any selfish policy, or narrow views of practical advantage. We must refute by our conduct the idea, that we have any other object in view, than that of promoting the advantage of both kingdoms. We must also show that we wish to make the Empire more powerful and more secure, by making Ireland more free and more happy. It is with these views alone that the Union can be rendered effective in its objects, and that we can establish mutual harmony and confidence between the two nations."\*

\* Mr. Pitt's Speeches, vol. iii. pp. 15 and 160.

observed that Mr. Pitt spoke of Ireland as a nation, and that his aim was to make it more free and more happy; by this test, mainly, the success or failure of his great measure for effecting a legislative Union between the two countries must be judged.

Although it is certain that an overwhelming majority of the Irish people, without distinction of creed, were opposed to the Union, it is highly probable that there were among some influential classes men, who saw in a closer connection with Great Britain, either an escape from present difficulties, or security against future dangers to interests, which they had at heart, or immediate advantages of a definite character. If this had not been the case, it is difficult to suppose that the British Government, of its own authority and power, and by intimidation and force, even with the aid of unlimited expenditure and the grossest bribery, could have effected so great a constitutional change. The Executive in Dublin had doubtless fully appreciated the difficulty of carrying on the administration in the presence of a native Parliament, to which it was not responsible—a difficulty which would be greatly increased, when Catholic Emancipation should be obtained—and it was favourable to a scheme, which would relieve it of this difficulty and danger. It was also the policy of Pitt to hold out hopes and expectations of benefits, or securities from anticipated dangers to various sections, in a manner which would secure their support, or at least lessen their hostility to the Union. The Protestant members of the State Church in Ireland, or many of the most sagacious among them, not unreasonably felt that the position of their much-cherished Establishment would be greatly imperilled, if it were wholly dependent upon the Irish Parliament. They had already, in 1793, been compelled, under the pressure of public opinion in Ireland, to concede the franchise to Catholics, and to repeal a large part of the penal laws. They were pressed to supplement these concessions by complete enfranchisement.

Numbering not more than one-eighth of the population of Ireland, they must naturally have feared that the Established Church would be destroyed when full political rights were conceded to the Catholics, who constituted the bulk of the nation. To win their support, they were told that after the Union the Established Church would no longer depend upon the votes of the Irish people, but would be supported by the whole weight of the Protestant population of Great Britain. In fulfilment of this promise, it was made an essential part of the Act of Union that the continuance of the United Church of England and Ireland should be a fundamental part of that measure.

The Presbyterian ministers of the North of Ireland, an influential class, whose congregations in recent times had been closely allied to the National party, and were warmly disposed towards republican institutions, were conciliated by the hope of a large increase to the *Regium Donum* (the Parliamentary grant in aid of their salaries), which would make them independent of their flocks.\* Lastly, negotiations were opened between the Irish Government and the Bishops and leaders of the Catholic party, and there is no doubt that their hostility was warded off, if their active co-operation was not secured, by the expectation held out to them that the Act of Union would be followed by the repeal of the remaining penal laws, and by the admission of Roman Catholics to Parliament. It was represented that this concession was impossible while Ireland retained its separate legislature, but could be safely made by a Parliament of the United Kingdom. Lord Castlereagh, who was Chief Secretary in Ireland at the time of the Union, was present at a meeting of the Cabinet in London, in 1799, when the Catholic question was under discussion. He has stated that there was no difference of opinion on the subject, that

\* Two years after the Union these expectations were carried out, and the annual grant to the Presbyterian Clergy was largely increased.

the Ministers appeared to be unanimous, although they apprehended considerable difficulty on the part of the King. He was empowered to write to the Lord Lieutenant, Lord Cornwallis, that so far as the sentiments of the Cabinet were concerned, he need not hesitate in calling upon the Catholics in Ireland to support the Union. This was undoubtedly done, and although it was alleged that no distinct pledge was given to them, the expectations held out were such as to induce them to believe that legislation on the subject would certainly be proposed in the United Parliament. About the same time also, the Catholic Bishops in Ireland were consulted on the subject of the endowment of their Church. They were informed that the Government would be prepared to make provision for their clergy, under proper regulation, and provided that some voice was conceded to the Government in the election of Bishops. The proposal, with its conditions, was assented to by the Bishops, including the four metropolitans.\*

It appears, then, that Pitt intended to connect his great measure with remedial measures of the highest importance. His scheme of policy was a great and far-reaching one. If carried out as a whole, it would, in the opinion of many high authorities, have really united the people of the two countries. It involved not merely the legislative union of the two countries, but also the removal of all penal laws against the Catholics, the payment of their clergy by the State, an increase to the grants to the Presbyterian ministers, and a measure of tithe reform, which would have relieved Catholic tenants of an obnoxious impost by throwing the burden on their Protestant landlords.

By the negotiations referred to, three important interests in Ireland were induced to favour the Government policy, or at all events to refrain from active hostility to the Union. It has been generally admitted that

\* Speech of Lord Castlereagh in the House of Commons, May 25, 1810.

if the weight of the Catholic leaders and the Catholic bishops had been thrown against the Union, it could not have been carried. These leaders, however, did not represent the opinion of the people of Ireland. Though the country was overawed by an immense military force, and was under martial law, making the free expression of opinion difficult, petitions, signed by over 700,000 persons, were presented against the measure.

One great public meeting was permitted to be held in Dublin to protest against the Union. It was the occasion of the first appearance in public of Daniel O'Connell, then a young lawyer, recently called to the Bar. The meeting was attended by many of the ablest lawyers, and most eminent commercial men of Dublin, without distinction of creed. O'Connell's speech was remarkable for his declaration that, as a Catholic, he would rather lose all the privileges, which had been conceded by the Irish Parliament, and revert to the penal laws in their full integrity, confiding in the full justice of their brethren, the Protestants of Ireland, than give up the legislative independence of his country. "The Catholics," he said, "will show every friend of Ireland that they are incapable of selling their country. They will loudly declare that if their emancipation was offered for their consent to the measure, even were emancipation after the Union a benefit, they would reject it with prompt indignation. Let every man who feels with me proclaim, that if the alternative were offered him of the Union, or the re-enactment of the Penal Code in all its pristine horrors, he would prefer without hesitation the latter, as the lesser and more sufferable evil; that he would rather confide in the justice of his brethren the Protestants of Ireland, who had already liberated him, than lay his country at the feet of foreigners." In after life he often declared that this speech was the text-book of his political career. "It was the Union," he said, "which first screwed me up to come forward in politics. . . . I was maddened when I heard the

bells of St. Patrick's ringing out a joyful peal for Ireland's degradation as if it was a glorious national festival. My blood boiled, and I vowed on that morning that the dishonour should not last, if I could put an end to it." In spite, then, of the opposition of the great majority of the people, and of nearly all the professional classes who had not been bribed, the measure was carried through the Irish Parliament, by the corruption of its members, on such a scale as to vitiate the transaction, in the opinion of all who believed that the consent of the Irish people was a necessary condition of the Union.

The measure has been commonly described as an incorporating union of the two kingdoms. It was, in fact, far short of this. It differed essentially from the Act by which the union was effected with Scotland. By the Scotch measure a true incorporating union was effected. The two kingdoms were merged in one, with a new designation, that of Great Britain. There was no vestige of a separate Executive preserved to Scotland; that existing before the Union was completely extinguished in a single administration for Great Britain; the same Secretary of State regulated the affairs of both countries; there was no separate Privy Council; the Treasury performed the functions of finance for both. The distinctive laws of Scotland were indeed left undisturbed; but this did not interfere with the union of the Scotch administration with that of England. In Ireland it was very different. The only effect of the Act of Union was to merge its legislature in that of Great Britain. In every other respect the Executive Government and the administration remained as before. No common designation was found for the United Kingdom. The sovereign continued to be represented in Ireland by the Lord Lieutenant; a separate Privy Council was retained; the Irish Executive remained distinct, though subordinate, to that of England, as before the Union; there was for some years a separate Trea-

sury ; and a Budget for Ireland was annually submitted to Parliament. This imperfect union of the administrations of the two countries had been one of the main grounds of protest on the part of the minority of the Irish peers who opposed the measure. "The measure," they said, "recommended by his Majesty was a complete and entire union ; but under the proposed arrangement Ireland will continue to be governed by a viceroy, assisted by an Irish Privy Council ; her purse, her revenues, her expenditure, her laws, will be as distinct as they are at present. Such distinctness of interests proves that they require separate Parliaments, resident in each country to attend to them ; that such union is only nominal, and that it does not effect that complete and entire union recommended, but shows that from the circumstances of the two nations the same is impracticable." \*

It should be noticed that before the Act of Union the Administration, or Executive Government, in Ireland was in no sense native, or Irish ; it was essentially English. The Lord Lieutenant, the Lord Chancellor, the Chief Secretary, and the Permanent Under-Secretary, were appointed from England, by English Ministers, and were, with rare exceptions, Englishmen. Although, since 1782, the Irish Parliament had the power of initiating legislation, and was freed from the controlling authority of the English Privy Council, yet the Irish Administration was in no sense responsible to it. No hostile vote of the Irish Parliament had any effect upon the position of the Irish Executive. Their relations to one another might be uncomfortable, but there was no recognized responsibility. The policy of the Irish Government was directed in the main from England. The Administration was also exclusively Protestant, and was carried on in the interest of the small minority of the population of

\* Protest against the Act of Union, signed by the Duke of Leinster, Lord Charlemont, Lord Powerscourt, and seventeen other peers of Ireland.



Ireland, who were members of the Established Church; all the appointments, from the judges down to the very lowest officials, were made from the ranks of this party. The magistrates were exclusively appointed from it. The municipalities throughout the country were still in the hands of the same class, and were the monopoly of a most intolerant faction. No Catholic could rise to the higher posts in the law. Almost all colleges and schools were still entirely in the hands of members of the Established Church. Catholics were habitually excluded from juries. Although the Irish Parliament had relieved the Catholics of many of their disabilities and from the severest of the penal laws, and had conceded the franchise to them, yet in practice most of these disabilities were still maintained, and the Catholics had no opportunities whatever of rising to any position of responsibility and honour in the service of the State.

After the Union the two Parliaments were united; but the government of Ireland continued to be carried on as before, in the same interests and on similar principles. The Protestant Ascendancy still maintained its ground in Ireland; and there was no greater tendency to carry the Catholic Relief measures into practice, than before the Union. Catholic Emancipation, therefore, came to mean, not merely the repeal of laws, still imposing disabilities on the Catholics, but also a complete change in the system of administration, and the taking it from the exclusive hands of the Protestant Ascendancy.

In the General Election which followed the Act of Union, in 1801, the Catholics in Ireland for the first time exercised the right of voting, under the Act of the Irish Legislature of 1793. They were, however, restricted to Protestants in their choice of representatives. They were also in a very dependent condition, and had not yet learned to vote otherwise than by direction of their landlords. The members elected on this occasion belonged almost entirely to the

landlord class : those among them who had voted in the Irish Parliament for the Union were re-elected without much difficulty. In the first Imperial Parliament the Irish contingent was of an eminently Conservative character, and was not opposed to the policy which had so recently been carried out. Mr. Grattan, the most distinguished member of the Irish Parliament, did not seek election. It was not till 1805 that he was returned to the Imperial Parliament, as member for an English nomination borough. There were missing also many of those who had been ornaments of the Irish House of Commons. Sir Lawrence Parsons, who had moved the rejection of the measure for the Union, was one of the few distinguished members of it who were now re-elected.

One of the first measures of the United Parliament was a continuation of the Rebellion Act, passed by the Irish Parliament in 1798. The necessity for maintaining martial law was strenuously maintained by all the Irish members who took part in the discussions, with the exception of Sir Lawrence Parsons ; and the objectors were found among the English Liberals, such as Mr. Grey and Mr. Whitbread. The latter very pertinently asked the House to recollect that it was for the first time engaged in deliberations on the affairs of Ireland, and he advised it to be cautious in beginning with a measure so vigorous as that proposed. It passed, however, by a large majority. In the same session a Sedition Act was passed for Ireland, and also an Act indemnifying all who had been concerned in securing and imprisoning persons in Ireland under the suspension of the Habeas Corpus Act. This last measure met with great opposition, and there were many petitions against it from persons in Ireland complaining of perjuries and cruelties.

It would have been well if these stringent Acts had been accompanied by remedial measures, in accordance with the expectation held out by Mr. Pitt. There was a great opportunity for the United Parliament to take a

large and generous view of the Irish question, and to connect the Act of Union with a measure of justice to the Catholics, which should strike the imagination of the people. This was undoubtedly the intention of Pitt. He had already, before the meeting of Parliament, written to the Lord Chancellor (Lord Loughborough), informing him of his intention to bring before his Cabinet the questions of Catholic Emancipation, the endowment of the Catholic clergy in Ireland, and a measure for mitigating the hardship of tithes.\* The difficulty in the way of this policy was the King.

George III., among other great mischiefs which he succeeded in effecting during his reign, must be held responsible for the great act of injustice, which, at the outset of the Union, prevented any chance it may have had of being cordially accepted by the Irish people. His obstinacy, at an earlier period of his reign, had been the main cause of the loss of the American colonies. He now did his best to alienate the bulk of the population of Ireland, and to mar the prospects of the Union. When pressed by Mr. Pitt to concede Catholic Emancipation, the King raised a difficulty with respect to his coronation oath, and could not be persuaded to give way. It is, perhaps, just to the King to add that his views on the subject of his oath had been long known to Mr. Pitt and his other Ministers. In 1795, when the King first learned the extent to which Lord Fitzwilliam had gone in Ireland, in promising Catholic Emancipation, he consulted Lord Kenyon and Sir John Scott on the subject of his oath, and was advised by them, that there was nothing in it so binding on him as to prevent his assenting, in his legislative capacity, to a relaxation of the penal laws against the Catholics. Not satisfied with this answer, he referred the question to Lord Loughborough, the Chancellor, who wrote in an opposite sense. On receiving this the King drew up a memorandum for Mr. Pitt, in

\* Letter from Mr. Pitt to Lord Loughborough, quoted in Lord Campbell's "Lives of the Chancellors," vol. vi. p. 306.

which he stated this difficulty as the ground of his objection to the policy. Pitt yielded to him, and Lord Fitzwilliam was recalled.

Writing later to Mr. Dundas, when the Union was under discussion, the King expressed himself as favourably disposed to this measure; but added that he hoped the Government was not pledged to anything in favour of the Roman Catholics. The reply of Dundas was, "No; it will be matter for future consideration." It appears also that in a conversation with this Minister about the same time, the King mentioned his scruples as to his oath. Dundas tried to convince him that the oath applied only to the Sovereign in his executive capacity, and not as part of the Legislature. The King replied, "None of your Scotch metaphysics, Dundas!" With the knowledge of the King's difficulties of conscience, Pitt was scarcely justified in carrying the Union by the representations, which he allowed to be made to the Catholics. He may, however, have hoped, when the time came, to overcome these scruples, in the same manner, as he had done in many other important matters. He may also have hoped that time would be in his favour in removing this difficulty. The King was advanced in years, and his mental condition was precarious. The Prince of Wales had at that time declared himself very favourable to the Catholic claims. Whatever prospect, however, there had been of persuading the King himself to yield, was prevented by a discreditable and treacherous intrigue within the Cabinet. The Lord Chancellor had been present at its meeting when the Catholic claims were considered, and had made no objection to the communications made to the Lord Lieutenant through Lord Castle-reagh. He was therefore responsible for the expectations held out to the Catholics of Ireland, by which the passing of the Act of Union had been secured. But in 1801, on hearing from Mr. Pitt that it was intended to raise the question of Catholic Emancipation in the Cabinet, he communicated this project to

the King, and informed him that there were many members of the Cabinet opposed to this measure; he also induced the Archbishop of Canterbury and the Bishop of London to use their episcopal influence with the King, to persuade him to maintain his known objections to the measure. When, therefore, Mr. Pitt approached the King on the subject, he found his royal master already prepared on the subject, and inflexibly determined not to give his consent.

The King declared that his mind had been made up ever since he came to the throne, in 1760; and that if he violated his oath, his throne would properly revert to the House of Savoy, as heirs of the Stuart line. His views are clearly stated in a minute which he wrote on a copy of his memorandum of 1795: "This paper was drawn up when Earl Fitzwilliam pressed a further emancipation of the Irish Papists, and was transmitted to Mr. Pitt, who, having approved it, ought not to have made a similar proposal and seemed surprised when I would not follow him in changing my opinion. His ground of expediency was futile; the more so as every Irish Protestant felt the ruin of the measure if adopted. And I, certainly feeling the duty I owe to my coronation oath, would not have given my assent to any Bill that had but a shadow of putting Papists and Presbyterians in a state of equality with the Church of England." \* Lord Malmesbury, in his diary, states that about the 6th or 7th of February, 1801, the King read his coronation oath to his family, asked them whether they understood it, and added, "If I violate it I am no longer sovereign of this country, but it falls to the House of Savoy;" and General Garth reported that the King had exclaimed he would rather beg his bread from door to door throughout Europe than consent to any such measure.† It does not appear that Mr. Pitt had any oral communication with the King. He tendered his resignation, which was

\* Lord Campbell's "Lives of the Chancellors," vol. vi. p. 300.

† Pellew's "Life of Lord Sidmouth," p. 285.

accepted without hesitation; and Mr. Addington, a statesman after the King's own heart, was appointed in his place.

It is scarcely necessary to point out the fallacy as to the oath. On the accession of William III. Catholics sat in both Houses of Parliament in Ireland, and the Act imposing disabilities on the Catholics was passed two years after that sovereign had taken the oath. George III. himself, had already consented to the partial repeal of the penal laws against Catholics by the Irish Parliament in 1793, which was open to the same objection as he now raised. He could scarcely have been ignorant of Pitt's speeches when the Union was under discussion, and those of others of his Ministers, such as Mr. Canning, in which it was assumed that the United Parliament would not maintain the penal laws. When the Act of Union received the royal assent, the King, on the prorogation of Parliament, had said, "This great measure, on which my wishes have been long earnestly bent, I shall ever consider as the happiest event of my reign, being persuaded that nothing could so effectually contribute to extend to my Irish subjects the full participation of the blessings derived from the British Constitution." It seems possible, therefore, that Pitt might have removed the difficulties thus raised, if the King had not been predisposed by the influence brought to bear upon him through Lord Loughborough's intrigue. In spite of the pressure of Pitt, the King would not give way. His tendency to madness was an element in the difficulties of the position. He had an attack of this malady shortly after the resignation of Mr. Pitt; and, on his recovery, sent a message by his physician, "Tell Mr. Pitt I am now quite recovered from my illness; but what has he not to answer for, who is the cause of my having been taken ill at all?" Pitt was profoundly affected by this, and determined not to press the question further. He wrote a contrite letter to the King, offering to abandon the Catholic

question. His overtures, however, were not responded to; and, indeed, the King very much preferred the mediocrity of Addington to the commanding talents of the great Minister, who had served him for seventeen years.

Pitt's conduct in being thus ready to give way upon a question of such magnitude, on which only a few weeks earlier he had resigned office, has given rise to much subsequent criticism, and cannot be satisfactorily explained. His resignation on the Catholic question could only be justified by his conviction of the supreme importance to the State of carrying Catholic Emancipation as a part of the settlement, effected at the Union, and by his determination to use all his efforts, when out of office, to overcome the difficulties opposed to it, and to return to power free to carry out his policy. It was altogether inconsistent with his readiness to resume office without dealing with the question. Nor did his subsequent action justify his resignation; for he showed no activity in pressing the Catholic question; nor would he, when restored to the position of Prime Minister in 1804, again face the personal difficulty, and the danger of bringing on another attack of the King's malady, by proposing to him a Catholic Relief Bill, and he accepted office on the distinct understanding that he would not raise the question. In 1801, however, he appears to have felt that his personal honour was engaged, that the Catholics had a strong moral claim upon him, and that, being unable to fulfil it, he could not for the moment continue as Minister. He consequently resigned office, and was followed in this course by Lord Grenville and Lord Spencer, Mr. Wyndham and Mr. Dundas. Lord Castlereagh, whose honour was equally engaged on behalf of the Catholics, and who had been the principal medium of communication between them and the Government, remained in office. Lord Cornwallis, the Lord Lieutenant of Ireland, resigned with Mr. Pitt, as did also Mr. Canning, who had been brought

into office in 1796, as Under-Secretary for Foreign Affairs, by Pitt, and who had rendered good service in the discussions on the Union. Mr. Pitt was succeeded by Mr. Addington, then Speaker of the House of Commons, who had never made any mark of statesmanship, but who commended himself for the post by holding views on the Catholic question, at least as prejudiced as those of the King. It is satisfactory to note that Lord Loughborough gained nothing by his treachery. The King was only too glad of the opportunity for transferring the Great Seal to Sir John Scott, who became Lord Eldon.

It is impossible to exaggerate the mischief resulting to both countries from this failure of Mr. Pitt to carry out his policy for Ireland in its entirety, by realizing the expectations held out to the Catholics. The English people would doubtless have accepted, without alarm and without question, at the hands of Pitt, and as an essential condition of the Union, a measure of Catholic Emancipation, and even a scheme for the payment of the Catholic clergy. By disconnecting these measures from the Union, all prospect of carrying them was lost for nearly two generations; henceforth it was impossible to carry either of these proposals without stirring up religious feelings and sectarian animosities in England, and Ireland was allowed to remain under a stigma as impolitic as it was unjust. It was well said by Sir James Graham that "Mr. Pitt was ready to do the right thing at the right time, but genius gave way to madness, and two generations have in vain deplored the loss of an opportunity."\*

After his resignation, Mr. Pitt adopted the unusual course of circulating a memorandum in Ireland to explain his position. It stated that "the Catholics may with confidence rely on the zealous support of all those Ministers who retire, and of many who remain in office, when it can be given with a prospect of success. They may be assured that Mr. Pitt will do his utmost

\* Sir George Lewis's "Administrations," vol. i. p. 213.



to establish their cause in the public favour (though he could not concur in a hopeless attempt to force it now), and prepare the way for their finally attaining their objects." It has been suggested that Mr. Pitt was induced to retire, in part at least, by the difficulties of foreign affairs, and by the necessity of some change of policy, and that the Irish Catholic question was merely a convenient excuse for him. There does not, however, appear to be sufficient ground for this surmise. Nothing can be clearer than Lord Grenville's explanation in the House of Lords. "Several of his Majesty's servants," he said, "thought it expedient that the benefits of the Union should be rendered as great and as extensive as possible, by the removal of certain disabilities under which a great portion of the inhabitants of Ireland had laboured. Imagining that this measure could be effectual only by coming from the Executive Government, they proposed it to those who directed his Majesty's counsels. It was not deemed eligible, and they were unable to prevail. Their opinion of its policy remaining unaltered, and still thinking that this measure and this alone would establish the tranquillity and prosperity of the Empire on a permanent basis, they considered themselves as bound to retire." Mr. Pitt himself, in the House of Commons, made a very similar explanation. "We proposed a measure which, under the circumstances of the Union, so happily effected, we thought of great public importance and necessary to complete the benefits likely to result from that measure. We felt that opinion so strongly that when we met with difficulties, which rendered it impossible for us to propose it as a measure of Government, we felt it equally inconsistent with our duty and our honour any longer to remain a part of that Government. I beg to have it understood to be a measure which, if I had remained in office, I must have carried."

These explanations are most explicit. They show that Pitt's resignation was on a point of honour, and

not merely on one of policy. They confirm the view that he must have gone very far in his negotiation with the Catholics of Ireland, and that he was morally bound to them to propose a measure of enfranchisement, immediately after the Union, and that he could not, as an honourable man, remain in office, if he failed in this respect. Of the grievous error thus made in refusing to the Catholics their full rights under the Constitution, we have now abundant proof. No immediate effect, however, was visible. The Catholic leaders still hoped that Mr. Pitt would speedily return to office and fulfil his promises. Time, they believed, was on their side. The bulk of the population were kept down by the recollections of the terrible scenes of 1798, and by stringent coercive laws.

In 1803 there occurred an outbreak in Ireland, which gave some alarm to the Government. It was headed by Robert Emmett, a man of good birth and position, but of very extreme opinions. It does not appear to have been in any way due to the non-fulfilment of the promises made at the time of the Union, but to have been connected with the previous revolutionary movement of 1798. Emmett's scheme was to seize the seat of the Government at Dublin, and to raise the population; but he had neither means nor supporters sufficient to justify even a commencement of such an enterprise, and the affair was put down with the greatest ease. Emmett and a few others were convicted and executed, and order was speedily restored. The outbreak, however, gave rise to an incident of considerable importance in its political bearing. A Catholic peer, and one of the leaders of the Catholic party in Ireland, Lord Fingall, had been conspicuously active in tendering assistance to put down the outbreak. He had armed his tenantry, and was ready to lead them into the field in support of the Government. As a reward for this loyal action, the Lord Lieutenant proposed to make him a magistrate—a conspicuous honour at a time when no Catholic had

ever been admitted to this position. In transmitting the warrant from the Crown, the Lord Chancellor of Ireland (Lord Redesdale) accompanied it with a long letter, lecturing Lord Fingall on his future conduct as a Catholic magistrate, making a wild and unqualified attack on all ranks of Roman Catholics, and expressing disbelief in their loyalty to the Crown. The correspondence on Lord Redesdale's part is a good specimen of the prejudiced feelings of the day among large numbers of educated Englishmen.\*

The publication of this letter of the Lord Chancellor gave rise to the greatest resentment among the Catholics of Ireland, the more so as this body had refrained, since the Union, from preferring their claims, lest they should embarrass the Government in its foreign difficulties. The feeling, thus aroused, led in 1804 to meetings of the leading Catholics of Ireland, at which it was determined to petition Parliament for their relief. Mr. Pitt was asked to present their petition, but he refused the task. It was then entrusted to Lord Grenville and Mr. Fox, who, in the following year, moved in the two Houses of Parliament, for the first time since the Act of Union, resolutions in favour of Catholic Emancipation.

Fox introduced the question in a speech of three and a half hours in length. A part of this powerful speech was devoted to an examination of the effect produced on Ireland by the rejection of Lord Fitzwilliam's proposals of 1795, and in tracing the connection between it and the rebellion of 1798. "Doubts," he said, "have been entertained whether Lord Fitzwilliam was authorized by his Government to encourage the hopes of the Catholics, but that has nothing to do with the present question; that the expectation did exist is a fact of the greatest importance. When that noble lord was recalled, when a motion was made on the subject in Parliament and

\* The correspondence is given at length in the "Annual Register," 1803, pp. 575-89.

negatived, the Catholics saw with grief the cup they had looked at with so much eagerness, suddenly dashed from their lips, at the moment they at last expected to enjoy it. The history of that country showed the melancholy consequences of that disappointment—that a connection began to be formed between Ireland and France; and there is every appearance that the disappointment then experienced drove some of them into this connection. All those who wished to revolutionize Ireland were greatly alarmed during Lord Fitzwilliam's administration, and were perfectly convinced that if the measures to be proposed were carried, their intentions would be completely defeated. . . . I have been told that at the time of the Union no distinct promise of redress was made to the Catholics, and I believe it. No minister could promise that which depended on Parliament. Mr. Pitt could have done nothing more than promise to recommend these claims; but did not the Catholics believe that through the measure of the Union they would obtain complete redress? Did they not rely on the promised support of Mr. Pitt?" He dealt also at length with the coronation oath. He showed that if there was any force in the argument founded on it, Queen Anne must have broken the oath when she consented to the union with Scotland. He concluded by saying, "The Protestant Ascendency has been compared to a garrison in Ireland. It is not in our power to add to the strength of this garrison, but I would convert the besiegers themselves into the garrison."

The motion was supported by Mr. Grattan, who had recently been returned by Lord Fitzwilliam for the borough of Malton, and who, at the age of fifty, recommenced a political life. The occasion was a critical one for him, and he might well feel that his reputation would not bear transplanting to a new sphere so late in life. The failure in the English House of Commons of Mr. Flood, who had made a great reputation in the Irish Parliament, was a warning to him. Grattan's

manner and style of delivery were very eccentric, and wholly different from anything to which the English members had been accustomed. Many members waited to see what was the verdict of Pitt upon their new colleague. Pitt soon evinced his approval, and from that moment Grattan's success was assured and complete. Pitt, in replying, spoke of the speech as splendid in its eloquence; and it was universally admitted to be one of the most brilliant that had ever been delivered in Parliament.

It commenced by a happy hit, such as the House always likes. Replying to Dr. Duigenan, one of the leaders of the Protestant Ascendency, Grattan said, "His speech consists of four parts. First, an invective against the religion of the Catholics; second, an invective against the present generation; third, an invective against the past; and fourth, an invective against the future. Here the limits of creation interposed, and stopped the numbers. It is to defend these different generations and their religion that I rise—to rescue the Catholics from his attack, and the Protestants from his defence." At this point Pitt said, "Hear, hear, hear," and the House cheered. "The Parliament of Ireland," Grattan continued—"of that assembly I have a parental recollection. I sat by her cradle; I followed her hearse. . . . That the Parliament of Ireland should have entertained prejudices on the Catholic question I am not astonished; but that you—that you should now, at this time of day, throw up dykes against the Pope, and barriers against the Catholics, instead of uniting with the Catholics to throw up barriers against the French—this surprises me; and, in addition to this, that you should have set up the Pope in Italy to tremble at him in Ireland; and further, that you should have professed to have placed yourself at the head of a Christian, not a Protestant, league, to defend the civil and religious liberty of Europe, and should deprive of their civil liberty one-fifth of yourselves, on account of their religion—this surprises me; and also that you

should prefer to buy allies by subsidies rather than fellow-subjects by privileges ; and that you should now stand drawn out as it were in battalion, sixteen millions against thirty-six millions ; and should, at the same time, paralyze a fifth of your own numbers by excluding them from some of the principal benefits of your constitution at the very time you say your numbers are inadequate unless inspired by these very privileges." \* His speech was the first of a series of efforts annually made in the British Parliament on behalf of the same cause, till his death in 1820.

Mr. Pitt, who had resumed office as Prime Minister in the previous year (1804), well knowing that the King's views on the Catholic question were unchanged, opposed the motion. Referring to his action at the time of the Union, and to his resignation on this question in 1801, he said, " Previous to the Union the claims of the Catholics could not have been conceded consistently with a due regard to the Protestant interest. After the Union I saw matters in a different light. Whilst that measure was in contemplation, I did state that the measure would make a material difference, in my opinion, on the Catholic question, but I did not make a distinct pledge. . . . The circumstances which, in 1801, made me feel that it was then improper to bring forward this question, and which led to the resignation of that administration, have made so lasting an impression upon my mind, that so long as those circumstances remain, and continue to operate, I shall feel it a duty imposed on me, not only not to bring forward, but not in any manner to be a party in bringing it forward, or in agitating this question." On the merits of the case, he said, that he observed with pleasure that the application made by the petitioners was not advanced as a claim of right, but as one of expediency. He had never been one of those who held that the term of emancipation was, in the smallest degree, applicable to the repeal of the few remaining penal

\* "Parliamentary Debates," vol. iv. p. 917.

statutes, to which the Catholics were still liable. He declared that he had never given a pledge on the subject, and claimed to be perfectly free and unfettered respecting it. He could not accede to it without safeguards, such as were not suggested by the petition and its friends. The House of Commons rejected the motion by a majority of nearly three to one.\*

Mr. Pitt died in the following year, and was succeeded by Lord Grenville, with Mr. Fox, as Foreign Secretary, leading the House of Commons. The Ministry was formed partly of the old Whigs, who had supported Fox, in his opposition to the war with France, and who had stood by him in what they considered to be the true principles of liberty, during the whole of that eventful period; and partly of the new Whigs, as they were called, consisting of Lord Grenville and the Whig families, who had separated from Fox at the beginning of the war in order to support the war measures of Pitt. Together these sections were hardly strong enough to form a Ministry; and it was considered necessary to strengthen it by asking Lord Sidmouth (Addington) to join. But Sidmouth was opposed to the claims of the Catholics. It was a grave question therefore with Lord Grenville and Mr. Fox, whether they were justified in admitting to their Ministry, one who was so opposed to them on the Catholic question, or whether they should even form a Ministry without an express understanding with the King favourable to the Catholic claims. Mr. Fox entered into negotiations on the subject with the Catholics of Ireland. He told them that it was not then possible to carry a measure for their emancipation; that he "despaired of success in any immediate attempt at remedial measures, unless they could have active support from a quarter in which to look for passive acquiescence was perhaps more than they could reasonably expect." He promised that steps should be taken to show the good intentions of the Government, by the

\* Division—124 for the motion, 336 against.

removal of Lord Redesdale from the Chancellorship of Ireland, and by the dismissal of those magistrates, whose conduct had been notoriously oppressive ; he advised them not to bring forward their petition at present, as its supporters were certain of defeat, and the new Ministry would be wrecked ; but he promised that whenever they should do so, they might depend on his voice and influence in their support. On this assurance the Catholic leaders were satisfied, and resolved to act upon Fox's advice, and not press the claims for the moment. The Duke of Bedford was sent as Lord Lieutenant to Ireland, where he did much to conciliate and reassure the Catholics. He removed from the list of magistrates many who had made themselves conspicuous by their hostility and injustice to the Catholics ; and in spite of great pressure put upon him to renew the Insurrection Act, for the purpose of putting down a local agrarian movement, he refused to do so, and restored order by a vigorous application of the ordinary law.

During the short tenure of office of Mr. Fox, an incident occurred in the House of Commons which gave him an opportunity of stating his views on the Act of Union. On the death of Lord Cornwallis, it was proposed, at the instance of Lord Castlereagh, to vote money for a monument to him. This was opposed by an Irish member, on the ground that Cornwallis had been very instrumental in carrying the Union. Fox, while supporting the motion, said that he "agreed in thinking the Union one of the most disgraceful transactions in which the Government of any country had been involved."\* When called to account for these words, he said "he adhered to any words he had uttered relative to the Union. But when he reprobated a thing done he said nothing prospectively. However bad the measure, an attempt to repeal it, without the most urgent solicitation from the parties interested, should not be made."

\* "Parliamentary Debates," vol. iv. p. 128.



Mr. Fox died within a very few months of taking office, and before any opportunity was afforded to him of carrying into effect his promises to the Catholics of Ireland. They lost in him their best friend; one who, throughout a long life, had never failed to support every measure for redressing their grievances, and who had strongly objected to the Union. What might have been the course of events on the Catholic question, had he lived, it is impossible now to say. It is possible that his influence might have induced the Prince of Wales, when Regent, in 1812, to give way on the question, in which case Catholic Emancipation would have been anticipated by twenty years, and many subsequent evils would have been averted.

Mr. Fox was succeeded as Foreign Secretary by Lord Howick, later and better known as Lord Grey. The years 1806 and 1807 were of importance in Ireland for the commencement of a constitutional agitation on behalf of the Catholics. A number of the leading Catholics met in Dublin, and appointed a committee of twenty-one members, to draw up a petition to Parliament. O'Connell, who had already by this time achieved a reputation at the Bar, as a man of the greatest ability and eloquence, and of great fertility of resource, was a member of this committee, and took a prominent part on behalf of the Catholics. He was soon destined to outstrip all his fellow-workers in the Catholic cause, to become their leader, and, after many long years of untiring labour, to be recognized as the most illustrious Irishman of his day.

At this early period of the Catholic movement no suggestion was made for the repeal of the Union. The petition prepared by the committee, and presented by Lord Fingall and Mr. Grattan to Lord Grenville's Government, disclaimed any such object. It stated that the Catholics were not unwilling to accept redress of their grievances from any quarter. It declared their willingness to be governed by the United Parliament, if such government proved to be better, or even

as good, as that of the Irish Parliament. The presentation of this petition, and the knowledge that it was useless to expect the immediate consent of the King to any full measure of relief, induced Lord Grenville's Government to make a proposal to Parliament for securing equality to the Catholics, on a point, where there did not appear to be insuperable difficulties. By an Act, passed by the Irish Parliament in 1793, Catholics were allowed for the first time to serve in the Army and Navy, to hold commissions and to attain any rank short of that of commander, or general on the staff. The law of England, however, was different, and still retained provisions which excluded Catholics from holding commissions. A Catholic, therefore, in an Irish regiment, coming over with his regiment to England, was disqualified from remaining in the service. In practice this state of the law prevented Irish Catholics from serving in the Army or Navy.

Lord Howick, on behalf of the Government, and evidently with the object of testing the feeling of Parliament and the country upon the Catholic question, introduced a Bill to remedy this wrong. His object, he said, was to place before the sons of the Catholic gentry of Ireland their fair objects of ambition, and open to them that career of glory which was synonymous with the advancement of the interests of the Empire. The measure was merely a permissive one. It enabled the Government to give commissions to Catholics ; it left their discretion unfettered. The proposal was strongly opposed by Mr. Perceval. "England," he said, "had already done everything which toleration required, and which the Catholics had a right to demand. It was time to make a stand against the principle of innovation. If not, there would ultimately be extorted from its weakness that which its wisdom would desire to withhold." Mr. Perceval did his utmost to rouse the Protestant feeling of the country against the measure. An unreasoning fear took possession of large numbers of people. The Protestant religion,

they believed, was assailed. Those who held this view, either honestly, or with selfish purposes, obtained the ear of the King. By the private and unofficial advice of Lord Eldon and Lord Hawkesbury, he was persuaded to withdraw the consent, which he had already given to the measure. He told his Ministers that, having ascertained that it was of far greater extent than he had conceived it to be, he was now decidedly opposed to it. The Ministers endeavoured to modify the Bill so as to meet the views of the King, but failing in this, they determined to drop it. In doing so they desired, in vindication of their policy, to place on record with the King a minute reserving to themselves as Ministers, first, the liberty of delivering their opinions in favour of the Catholic question, whenever it should come on for discussion in Parliament; and secondly, that of submitting this question, or any other subject in connection with it, from time to time according to circumstances, to his Majesty's decision. The King, however, would not assent even to this. He called on his Ministers to withdraw the second of these reservations, and to substitute in its place a pledge that they would never again bring forward the measure they had abandoned, or propose anything connected with the Catholic question. The Ministers refused to give this pledge. They would not fetter themselves by any engagement inconsistent with what they might hereafter conceive to be their duty. They resigned their posts, and made explanations to Parliament. Thus a second time the King was able to compel a change of Ministers on the Catholic question, and to refuse a very moderate act of justice to the great majority of his Irish subjects, in flagrant opposition to the expectations held out by his Ministers at the time of the Union, and by means of which in part the measure had been carried.

Lord Grenville was succeeded by the Duke of Portland, and a Ministry was formed in which were

Mr. Perceval and Lord Eldon, Mr. Canning and Lord Castlereagh—the two former bigoted opponents to the Catholic claims, the two latter strongly in favour of them. Sir Arthur Wellesley was sent to Ireland as Chief Secretary, and the Duke of Richmond became Lord Lieutenant, in place of the Duke of Bedford. The Government as a whole, in spite of Mr. Canning and Lord Castlereagh, maintained a steady resistance to Catholic Emancipation. On the meeting of Parliament, the action of the King, in dismissing his late Ministers, led to a discussion and a hostile motion. It was moved by Mr. Brand, “That it is contrary to the first duties of the confidential servants of the crown to restrain themselves by any pledge from offering to his Majesty any advice that the course of events might render necessary for the welfare and security of any part of the Empire.” After a long debate, the motion, which so directly impugned the conduct of the King, was rejected by the narrow majority of thirty-two.\* Mr. Perceval, in the course of it, said that the measure of the late Government would not have the effect of rendering the Catholics content. It would lead to other objects, and would not stop short of bringing Roman Catholic bishops into the House of Lords.

Another proposal for Ireland of Lord Grenville's Government was also nipped in the bud by the change of Government. It had been proposed to increase the annual vote for the Catholic College of Maynooth from £8000 to £13,000. The increased sum had actually been voted; but Parliament had been prorogued, and a change of Ministers took place before the full effect was given to the vote on the estimates. Mr. Perceval wished to revert to the previous grant of £8000; but as the trustees of the College had already, on the faith of the larger sum having been voted, spent a portion of it, he was compelled to make some advance, and a vote of £9250 was submitted to

\* Division—For the motion, 226; against, 258.

Parliament. Mr. Grattan moved that the larger sum be retained. The smaller sum, he said, was wholly inadequate; by reducing the vote the House would secure the ignorance and prejudices of a great portion of the Catholic clergy. In reply, Mr. Perceval said it was no part of religious toleration to make provision for the education of tolerated sects. If it were so, the ministers of Methodists and Anabaptists would have as good a claim to education as the Catholic clergy. The larger sum was rejected by a considerable majority of members.

Mr. Canning and Lord Castlereagh, the two members of the Government favourable to the Catholics, did not long retain their positions in the Cabinet. Canning, as Foreign Secretary, was very dissatisfied with the support which his policy received from Castlereagh as Secretary at War, and insisted upon his dismissal, to make way for Lord Wellesley. Lord Castlereagh, thinking himself unfairly treated, challenged Mr. Canning, and a duel took place in which the latter was wounded. As a result, both of these statesmen were compelled to resign in 1809, and the Government thenceforward for some years consisted exclusively of men strongly opposed to any concessions to the Catholics. On the death of the Duke of Portland, later in this year, Mr. Perceval succeeded as Prime Minister. In 1810 Mr. Grattan again moved for a committee to inquire into the grievances of Catholics. It was opposed by the Government, and though supported by an able speech from Castlereagh, was rejected by a majority of nearly two to one.\* In the same year it was thought desirable to take powers to interchange the militia regiments between England and Ireland, with the object of quartering in Ireland a military force, not influenced by the local feelings of the country, and which might be relied upon to assist in suppressing any disturbances. In the committee on this Bill, Sir H. Parnell moved a clause enabling

\* Division—In favour, 109; against, 213.

members of the Catholic militia, so brought into England in place of English regiments, to attend places of worship of their own religion. It is difficult to credit the fact that this most just clause was rejected by the House of Commons, as was also a similar clause moved in the Lords. Later in the session, Mr. Grattan again addressed himself to the Catholic question. He moved that the petition of the Catholic delegates from Ireland should be taken into consideration. Mr. Perceval opposed the motion. He complained of the spirit of Grattan's speech; he said it would logically lead to the abolition of tithes, and of the Established Church of Ireland; he could not conceive a time or any change of circumstances, which would render further concessions to the Catholics consistent with the safety of the State. The motion was rejected by 146 to 83, and a similar motion in the Lords met with the same fate by 121 to 62.

— In the autumn of the same year, in consequence of this denial of the Catholic claims, the first serious note in favour of repeal of the Act of Union was struck in Ireland. Up to this time the question had not been raised, either in Parliament or on the public platform. On August 8 a requisition was signed by twelve of the grand jurors of Dublin, calling upon the high sheriff to summon a meeting, to consider the expediency of repealing the Act of Union. At this meeting O'Connell made his first speech in favour of Repeal. A petition was unanimously agreed upon, to the effect that the Union had been put to the decisive test of experience, and that it had in no way fulfilled the promises which had been made. The Union, it was said, had produced an accumulation of distress; instead of cementing, they feared that, if not repealed, it might endanger the connection between the two countries. Grattan was asked to present the petition. He consented to do so. "I shall present the petition," he said in his answer, "and support the repeal of the Union with a decided attachment to our connection

with Great Britain, and to that harmony between the two countries, without which the connection cannot last. I do not impair either, as I apprehend, when I assure you that I shall support the repeal of the Act of Union. You will please to observe that a proposition of that sort in Parliament, to be either prudent or possible, must wait until it should be called for and backed by the nation. When proposed, I shall then, as at all other times I hope I shall, prove myself an Irishman—an Irishman whose first and last passion was his native country." In accordance with this advice, no action was taken in Parliament, and the words, which have been quoted, were his last on this subject. There can be no doubt that the re-opening of the question in Ireland was due to the neglect of the British Government to fulfil the promises made at the time of the Union, and to the hopelessness of the Catholic population obtaining a redress of their grievances from the United Parliament. Ten years had passed, and no single remedial measure had been enacted; the Irish Government had been carried on precisely as before the Union; it was a Government of Protestant Ascendancy. The Catholics were excluded from every position of importance; their rights, even when admitted by law, were denied in practice. It was impossible to point to any single gain which had accrued to Ireland from the transfer of its Legislature to London.

In the following year (1811), the agitation of the Catholics of Ireland assumed a more definite and national form. Hitherto there had been no effective organization. A Catholic committee of a very informal character had come together, in which the old leaders of the party, consisting chiefly of peers, merchants, and professional men, largely predominated. It was now proposed, on the suggestion of O'Connell, to form a more permanent association, to consist of the existing members of the committee, with the addition of a certain number of persons elected by each county of Ireland,

and by each of the Dublin parishes. O'Connell pronounced the scheme to be perfectly legal, and steps were taken for its constitution and assembly. The proposal, however, was held by the Government to be contrary to the terms of the Convention Act of the Irish Parliament of 1793, which prohibited the election of delegates, or their meeting for any purpose whatever. A proclamation was issued, declaring the intention of the Government to enforce the penalties of the Act against all persons, who should assume to elect delegates. The proclamation was disregarded, and the election of delegates was proceeded with, and was carried out everywhere, except in Dublin. Elsewhere, ten members were elected in every county to the central committee.

In Dublin the Government intervened to prevent the election. They caused the arrest of five leading merchants who had met for the purpose, and prosecuted them under the Convention Act. They also filed informations against Lord Fingall, for presiding over a meeting of delegates, and against the *Freeman's Journal* and the *Evening Post* for reporting their proceedings. Dublin juries, however, refused to convict, and verdicts of not guilty were given. The Government then offered to stop further criminal proceedings, if the Association would cease to hold meetings. The answer was a great banquet in Dublin, attended by all the most influential Catholics, and by numerous Protestants, including Mr. Curran and Mr. Grattan. In Parliament frequent discussions took place on the proceedings of the Government in Ireland. Lord Lansdowne and Lord Moira in the Lords, and Mr. Ponsonby and Mr. Ward in the Commons, on two occasions made motions on the subject. In the Commons, Mr. Grattan attacked the Government for its action against the delegates. He contended that the Convention Act was a bad law, calculated by its arbitrary construction and acrimonious provisions to keep alive the worst passions of the people. The



general sense of the Catholics could only be ascertained by a fair delegation; such delegations had not unfrequently been permitted in past years without injury. The motion for condemning the action of the Government was defeated in the Commons by 80 to 43.

In the next session (1812), Lord Fitzwilliam in the Lords, and Lord Morpeth in the Commons, moved for committees to inquire into the state of Ireland. They complained of the enforcement of the Convention Act against the Catholic petitioners, of the tampering with juries to secure convictions in political cases, and generally of the denial of rights to the Catholics. The motions were defeated—in the Lords by 162 to 76, and in the Commons by 229 to 135. The debate in the Lower House was marked by the intervention on the Catholic question of Mr. Canning, who during the remainder of his political life took so active a part in it. It was in this debate that he referred in an oft-cited epigram to the Union. He had pointed out that the Act of Union had made it safe to concede the Catholic claims. The Irish Catholics, merged in the whole population of the United Kingdom had ceased to be formidable from their relative, without ceasing to be respectable from their positive, numbers. "Such being the advantages," he said, "derived to the question by the Union, I am surprised to find that some of the Catholics call for a repeal of the Union. Repeal the Union! Restore the Heptarchy as soon." \* Later in the same session, he again addressed himself to the subject, and in a memorable speech moved that the House should early in the following year take into its serious consideration the state of the laws affecting Roman Catholics, with a view to such a final and conciliatory adjustment, as would be conducive to the peace and strength of the United Kingdom. Lord Castlereagh, who had recently been appointed Foreign Secretary, speaking on behalf of the Government, made a liberal declaration in favour of an inquiry

\* Speech, February 13, 1812.

into the Catholic claims, and the motion was carried by 235 against 106. A similar motion by Lord Wellesley was not so successful in the Lords. Lord Eldon moved the previous question, which was carried by a majority of one only, the votes being 126 to 125. Fifteen bishops voted against the committee and only three for it. The Ministers also were divided on the subject, and several of them voted for the inquiry, against their Chancellor. The result showed an advance of opinion on the subject so great, as to make it difficult to understand that seventeen more years were to pass before the question was finally dealt with. The division in the ranks of the Government was the more remarkable as Lord Wellesley, who moved for the inquiry, had earlier in the year resigned his post of Secretary of State for Foreign Affairs on this very subject. He was of opinion that a policy of conciliation should at once be adopted towards Ireland, and that it should be founded on an intermediate principle between instant concession, and eternal exclusion of the Catholics. Lord Castlereagh, who was also favourable to the Catholic claims, but who was always ready to sacrifice them to his self-interest, was his successor at the Foreign Office.

Later in the year, on the assassination of Mr. Perceval, the Catholic question again intervened as a difficulty in the constitution of a Government, and the hopes of the Irish Catholics revived. The Prince of Wales had not many years previously been very favourable to their claims. In 1811 he had become Regent, on the illness of his father assuming a serious form; but for a time he had acted in that capacity under Parliamentary restrictions, on the chance of the King recovering, and he was not able to follow his own policy. These restrictions were now removed, and it was hoped that he would support a Ministry which would be prepared to deal with the question. The Prince, however, had assumed the prejudices of his father together with his power, and now declared

himself adverse to these claims, and equally repugnant to any concession. Thenceforward till 1829, he was a great obstacle to any measure of relief being carried. Lord Liverpool was now invited by the Prince to form a Government. He endeavoured to secure the co-operation of Lord Wellesley and Mr. Canning; but these statesmen declined to join, unless the Catholic question should be dealt with. Lord Moira was then charged with the task, and essayed to form a Government with Lord Grenville and Lord Grey; but again the same difficulty presented itself; and finally Lord Liverpool was again called in, and he formed a Ministry out of the most reactionary section of Mr. Perceval's colleagues. In their joint letter, declining to serve in a Ministry, unless the Catholic question should be dealt with, Lord Grenville and Lord Grey said, "We are firmly persuaded of the necessity of a total change in the present system of Government of Ireland, and of the immediate repeal of those civil disabilities under which so large a proportion of His Majesty's subjects still labour on account of their religious opinions. To recommend this repeal is the first advice which it would be our duty to tender to the Prince Regent." Lord Grey, in another letter, added, with reference to the alleged intemperate language of the Roman Catholics, that great allowances ought to be made to them, especially in view of Lord Fitzwilliam's recall in 1795 and the promises made at the time of the Union. Thus it came about that four of the ablest statesmen of the time, Lord Grenville, Lord Grey, Lord Wellesley, and Mr. Canning, were for some years disabled from accepting office in the Government of their country, on account of the Catholic question—a subject which had assumed importance only since the Act of Union had made it an Imperial rather than an Irish question.

The formation of Lord Liverpool's Government in 1812 is notable for the appointment as Irish Secretary of a statesman, who was destined to play a most

important part in Irish politics—Mr. Peel. The son of a very wealthy manufacturer, he had greatly distinguished himself at Oxford, and was from an early age pointed out as one who was certain to reach the highest posts. Guizot has said that Mr. Peel's father (Sir Robert Peel) had urged upon the Government the son's early employment in office, alleging that his natural tendency was towards Liberal principles, and that, if the Tory party wished to secure him, they must put him early into harness.\* Mr. Peel was appointed Under-Secretary for the Colonies in 1810, and was now sent to Ireland as Chief Secretary by Lord Liverpool, at the early age of twenty-four; and he held the post continuously till 1817. During that period he appears to have lost whatever tendencies he may have had to a liberal policy. He allied himself closely to the Orange party, and became their spokesman and advocate, defending their actions in Parliament, and supporting them in Ireland, with the weight of the Government. He acquired the sobriquet of Orange Peel,† and soon came into violent conflict with O'Connell; hence arose that personal enmity between the two men, which lasted throughout their political lives, to the serious detriment of both countries. The hostility was not confined to a war of words only; it nearly led to personal encounter, which might have ended in serious consequences. The days of duelling were not then over, and in Ireland, these hostile meetings on "points of honour" were still very

\* See Guizot, "Sir Robert Peel," p. 34. Sir Lawrence Peel, in his memoir of his brother, has thrown discredit on this story (p. 79).

† Mr. Peel, writing in 1812 to Mr. Croker, said that "the Governor of the Bank of Ireland remarked with horror that I was not fully impressed with the necessity of toasting the glorious memory."—Croker's "Memoirs," vol. i. p. 47. This deficiency appears to have been soon corrected, for a relative of Sir Robert Peel has informed the writer that the late Duke of Leinster recollected Peel, when Secretary for Ireland, frequently rising after dinner, and standing on his chair with one foot on the table, while drinking to the Orange toast of "The pious, glorious, and immortal memory of William III."

frequent. O'Connell had on a recent occasion been compelled to fight, in consequence of a bitter attack on the Corporation of Dublin, in which he spoke of it as a "beggarly corporation." For this expression, "one of its most needy members," a Mr. D'Esterre, challenged him. They met, and fought with pistols, and D'Esterre was killed. It was believed at the time, that he had been induced to challenge O'Connell, in the hopes of obtaining a reward from the Government, if he should rid the country of so dangerous an agitator. Through the rest of his life, O'Connell felt deeply pained that he had been induced to take this man's life. He settled pensions on D'Esterre's widow and daughter, and never lost an opportunity of befriending them.

In a speech made in public in 1815, O'Connell accused Peel of grossly traducing him behind his back in the House of Commons, where he could not be called to account. Peel sent him a challenge for these words, and it was arranged that the duel should take place at Ostend. Another encounter was arranged between their seconds, on account of some misunderstanding in making arrangements for their principals. Peel and his second, Sir Charles Saxton, started on their journey, and arrived at Ostend after seven days' constant travelling. O'Connell and Mr. Lidwill also left Dublin with the same object; but were arrested in London, at the instance, it is said, of Sir Robert Peel, and were held to bail. Sir Charles Saxton and Mr. Lidwill paid another visit to Ostend, later in the year, with the object of settling their differences. In the encounter, Mr. Lidwill fired into the air, thinking himself under a legal obligation to refrain from more active hostilities. On this, Peel, who had followed them to the Continent with the object of settling another difficulty with Mr. Lidwill, was induced to desist from pressing the matter further.\* In 1836, O'Connell refused a challenge from Mr. Stanley,

\* Croker's "Memoirs," vol. i. p. 77.

alleging as a reason that, after his duel with D'Esterre, he had determined never to fight again. In 1846, Peel was with difficulty dissuaded by his friends from sending a challenge either to Mr. Disraeli or Lord George Bentinck.

Returning to the course of events which followed on the formation of Lord Liverpool's Government, we find that, early in the session of 1813, Grattan again introduced a measure for Catholic Emancipation. He was supported by Mr. Canning, Lord Castlereagh, Mr. Whitbread, and Lord Palmerston, and the debate was a notable one, on account of the speech of Mr. Plunket, which is said to have made a greater impression on the House of Commons than any speech since that of Mr. Sheridan on the charges against Warren Hastings, in 1787. Mr. Plunket had been one of the chief ornaments of the Irish Parliament during the last two years of its existence, having been elected to it in 1798, at the age of thirty-four. His speeches against the Union, and his declamations against Lord Castlereagh, were admitted by all to be as powerful achievements of oratory as had ever been delivered in a popular assembly. On the extinction of the Irish Parliament, he was prevented, like others of its best members, by the professional claims on his time, from seeking election to the Imperial Parliament; and it was not till 1807, that he was returned for the short remnant of a Parliament by the borough of Midhurst. In 1812 he was elected by the University of Dublin. He speedily asserted a position in the front rank of the House of Commons, as an orator, rather than as a debater; his style was more readily adapted to his new audience than that of Grattan; his eloquence was the most polished and best-reasoned of any speaker of his day.

All the supporters of the Bill agreed that some securities should be insisted on, if it should pass into law. On the strength of this, the motion was carried by a majority of 40,\* and the second reading was also

\* For the Bill, 264; against, 224.

passed by a majority of 42. In accordance with the undertaking given, the Bill was committed *pro formâ*, and amendments were introduced, at the instance of Mr. Canning and Lord Castlereagh, securing to the Crown a veto on the future appointments of Catholic bishops. It was proposed to constitute a Board of Commissioners, with power to examine into the loyalty of candidates for episcopal dignity, and to exercise some control over their correspondence with the papal authorities at Rome. Mr. Grattan gave a qualified assent to these clauses. In spite, however, of their introduction into the Bill, its first clause, admitting Catholics to Parliament, was rejected by the committee of the House, on the motion of the Speaker, Mr. Abbott, by a majority of 4.\* The Bill was consequently withdrawn.

The question known as the "Veto," thus introduced into the controversy, proved an apple of discord among the Irish Catholics. The discussions to which it gave rise did much to break up the party in favour of the Catholic claims, and to delay for many years the settlement of the question. It had long been suggested that a compromise might be effected on this point. It was one on which, as has already been shown, Mr. Pitt had been bent, and on which he consulted the Catholic Bishops before the Union. The Bishops had then given their opinion that, on the appointment of prelates to vacant sees, the interference of the Government, to the extent of satisfying itself of the loyalty of the persons to be appointed, was justifiable, and might be agreed to.† These negotiations, however, remained secret for some years, and were first disclosed by Lord Castlereagh, in the speech which he made in the House of Commons in 1810. The question of the Veto was first mooted in relation to the Catholic question in 1808, when Mr. Grattan and Lord Grenville, on moving resolutions in favour

\* Division—For the clause, 247; against, 251.

† Butler's "Historical Memoirs of the Catholics," vol. iv. p. 151.

of the Catholics, said that they were authorized by Dr. Milner, who acted as agent in England for the Catholic bishops of Ireland, to state that, in the event of Emancipation being agreed to, they were prepared to assent to a proposal for giving to the Crown the right of negating the appointment of any bishop.

Later, in the same year, 1813, the Irish Bishops again considered the question, and (by a majority of twenty-three to three) passed a resolution, declaring that it was inexpedient to make any change in the method of electing the prelates of their Church, which long experience had proved to be unexceptionally wise and salutary. This did not, however, settle the question; it was asserted by many that their decision was not final. Two parties were gradually formed in Ireland; the one consisting of the Catholic peers under Lord Fingall, and of the greater number of the older leaders of the Catholics, who were favourably disposed to the Veto; the other consisting of the more popular section of the party, who were opposed to any concession, and who were prepared to defer Emancipation, rather than give way on that point. At the Catholic Board, after the change effected in the Bill, the discussion on the Veto was very stormy. O'Connell led the opposition to it. Mr. Sheil, who was second only in personal influence at the Board, was in favour of it; and there was a great weight of authority in the same direction. Undoubtedly, however, the popular feeling in Ireland was strongly against any control of the clergy by the State. The authority of Mr. Burke was quoted, and was widely circulated in the country. In his "Letter to a Peer" he had said on this subject, "Never were the members of one religious sect fit to appoint pastors to another." Those who have no regard for their welfare, reputation, or internal quiet will not appoint such as are proper. . . . It is a great deal to suppose that the present Castle would nominate bishops for the Roman Catholic Church of Ireland with a religious regard for



its welfare. Perhaps they cannot, perhaps dare not, do it." And in his letter to Dr. Hussey he further said, "I am sure that the constant meddling of your bishops and clergy with the Castle, and the Castle with them, will infallibly set them ill with their own body. All the weight which the clergy have hitherto had to keep the people quiet would be lost if this once should happen." It is probable also that the instincts of the Irish people were against the proposal, for the very reasons that made it acceptable to many of the governing class in England, namely, that it would place the Catholic Church more under the control of the Government, and that its tendency, therefore, was anti-national.

Mr. Sheil made a most courageous defence of the principle involved in the Veto, at the Catholic Board, and was answered by O'Connell. The latter opposed it on two grounds—first, as an Irishman, that this interference would be injurious to public liberty; secondly, as a Catholic, that it would be destructive of the Catholic religion. "Let the servants of the Crown be content with the patronage they had. It is sufficient for their purpose; and if this addition be but small, let them leave us this small independence, for this little is our all—and great it is in fact." O'Connell carried his views by an immense majority. The question, however, did not end there. The schism continued. Appeal was made to Rome on the subject; and in the absence of the Pope, during his captivity in France, Cardinal Quarantotti addressed a rescript to the Irish Bishops, to the effect that, having consulted the prelates of the Church in a special congregation, it was decreed that the Catholics might with satisfaction and gratitude accept and embrace the Relief Bill, with the amendments, and that it was highly proper that their prelates should be agreeable and acceptable to the King, and that they should exercise their ministry with his full consent.\* This view was subsequently confirmed by

\* Butler, vol. iv., Appendix, p. 518; Letter of Cardinal Quarantotti to Dr. Poynter.

the Pope Pius VII., who regarded the arrangement proposed, "not only as one not injurious to religion, and a means of averting from it many calamities otherwise to be feared, but also as a likely motive towards the attainment of Emancipation." \*

The Irish Bishops, however, did not consider Quarantotti's rescript as ecclesiastically binding on them. O'Connell's influence prevailed with them, and they pronounced strongly against the Veto, in spite of the influence of the English Catholics, who were enlisted in its favour. The approval of the Pope was ultimately withdrawn. As a result, O'Connell's policy prevailed, and he triumphed over all difficulties. The older leaders of the Catholic cause, who, like Lord Fingall, had declared in favour of the Veto, were thrust into the background; they endeavoured to form an independent association, but without success. The conduct of the Catholic cause in Parliament was taken out of the hands of Mr. Grattan, who had committed himself on this point, and had consequently lost the confidence of the bulk of the party. From thenceforth O'Connell became the undisputed leader of the Catholics in Ireland—a position which he never lost, and which gave him absolute power in controlling and directing their policy and action. For some time, however, the Catholic cause suffered both in Parliament and in Ireland by these unfortunate dissensions; and it became necessary for English statesmen to look for other concessions than the Veto, if it were hoped to carry Emancipation against all the difficulties opposed to it.

During this period of reaction of the Catholic cause O'Connell addressed himself more frequently to the subject of Repeal of the Union. The two questions of Repeal and Catholic Emancipation were mixed up in his speeches. Earnestly anxious as he was to obtain for the Catholics a full recognition of their claims, he found solace for the delay in the feeling that the denial strengthened his case for Repeal, and

\* Butler vol. iv. p. 544.

enabled him to educate the Irish people into a temper of active hostility to the Union.

"Desiring as I do the repeal of the Union," he said in one of his speeches in 1813, "I rejoice to see how our enemies promote that great object. Yes; they promote its inevitable success by their very hostility to Ireland. They delay the liberties of the Catholics, but they compensate us most amply, because they advance the restoration of Ireland. By leaving a cause of agitation, they have created and they will embody and give shape and form to a public mind and a public spirit."\* While advocating Repeal, however, he constantly deprecated separation between the two countries. "Your enemies say that I wish for a separation between England and Ireland. The charge is false. It is, to use a modern expression, 'as false as hell;' and the men who originated it and the men who inculcate it know its falsehood. There lives not a man less desirous of a separation between the two countries. There lives not a man more deeply convinced that the connection between them, based on one king and two separate Parliaments, would be of the utmost value to the happiness of both countries." "Ireland," he added, "lay in torpor till roused by the cry of religious liberty. She would, I fear, relapse into apathy, if liberty of conscience were soon conceded."

\* Speech of O'Connell in 1813, quoted by Mr. Lecky, "Leaders of Irish Opinion," p. 229. I have been unable to find it elsewhere.

## CHAPTER II.

ON news arriving, in 1814, of the capitulation of Paris, and of the overthrow of Napoleon, orders were at once sent from England to the Lord Lieutenant to suppress the Catholic Board, which had continued to exist, in spite of the Government prosecutions. The Board was promptly proclaimed under the Convention Act. It met no more, and thenceforward the meetings held by O'Connell were called aggregate meetings, and no definite organization existed. The hopes of the Catholics fell with the peace; political lethargy for a time spread through the mass of the people; the Protestants were relieved of their fears, and became more aggressive in their attitude to the Catholics. Peel, in defending the action of his Government for suppressing the Catholic Board, assured the House of Commons that the people of Ireland had been misled, and were not aware of the mischievous tendency of its proceedings. "The mode in which the proceedings of that body had been conducted, the absurd, pitiful discussions that took place in it, the abandonment of the instructions of those who were at the head of the Catholic religion, the pompous titles they had assumed, had now alienated the affections of those who had once been their supporters, and had shown them to be the real enemies of the cause of which they had wished to appear the supporters." \* How little he was able to appreciate the forces at work in Ireland, and the hold which O'Connell had already obtained on its people, the sequel

\* "Parliamentary Debates," vol. xxviii. p. 31.

will show. In 1814 and 1815 little was effected for Ireland beyond the passing of Coercion Acts. The peace with France brought with it a fall of prices, which bore heavily upon the agriculture of Ireland, where rents had been forced up by the war prices of wheat and other produce. There was added, therefore, to the political grievances an agrarian difficulty, which showed itself in an agitation against tithes, in demands for reduction of rents, and, when redress was denied on these points, in disturbances and outrages. It was not the only occasion in Ireland when agrarian and political grievances have been mingled, and when the Government, unable to distinguish them, or to apply to either of them a suitable remedy, has been compelled to resort to coercion.

Peel applied to Parliament, in 1814, for a severe Coercion Act, and later for the renewal of some of the clauses of the Insurrection Act; and during an autumn session a Peace Preservation Act was passed, still further strengthening the powers of the Government. Under the first of these Acts the Government was authorized to proclaim districts, and to appoint therein paid magistrates and a corps of police responsible directly to the Lord Lieutenant. This was the first commencement of the Irish Constabulary, a force which has since become so potent a machine in the hands of the Castle Government.\* The Act provided that this force was to be independent of the local magistrates, whose orders were to be disregarded, unless approved by the stipendiary magistrates. The system thus established was a decided step towards centralization; it increased the power and patronage of the Government, and lowered the position of the local magistrates. It was introduced ostensibly for the purpose of dealing with exceptional disturbances, but, once established in a district, it was never superseded,

\* The first idea of a police force seems to have originated with Sir A. Wellesley, who organized the Dublin police while he was Chief Secretary.

and the system was gradually extended over the whole of Ireland.

So far from legislating in the interest of the tenants, by whom the whole burden of the difficulties caused by the fall of prices was borne, the only measure devised by Peel was one greatly facilitating ejectment, by cheapening the cost of it. In 1815 an Act was passed, providing in the case of holdings of under £20 per annum, that is in five out of six of the agricultural tenancies, that the Assistant-Barrister at sessions might make a decree of ejectment, at a cost of a few shillings; two years later the process was further facilitated by an Act making the evidence of the landlord alone sufficient for an ascertainment of the rent due. These two Acts very greatly strengthened the power of the landlords in respect of yearly tenancies, and enabled them to take advantage of the agricultural crisis, and to clear their estates of small tenants. These measures, the constitution of the police force, and an almost annual succession of Coercion Acts, are the only evidences of Peel's constructive statesmanship during the period he held the post of Irish Secretary. During his tenure of office, however, he yearly opposed the motions for Catholic Emancipation, and for inquiring into the state of Ireland, made by Grattan, Parnell, and John Newport, and supported by Canning, Castlereagh, Whitbread, Ponsonby, and nearly all the leading men in the House of Commons. His speeches in these debates showed no glimmer of light, nor any appreciation that remedies were required for the state of Ireland, with the single exception that he deplored the number of absentee landlords, and even hinted that measures might be adopted to compel them to reside on their properties. His most able speech was that in the debate on the Catholic claims in 1817; it was the best that was made, from this point of view, for many years, and did not receive an adequate reply till Plunket, four years later, in 1821, made his second

great effort on behalf of Catholic Emancipation. Peel's defence of the system pursued in Ireland was based mainly on the necessity of maintaining the Union, and on the obligations contracted at the time of the Union, on behalf of the Irish Protestant Church; both of which he held would be imperilled by concessions to the Catholics. He was strongly opposed to any endowment of the Catholic priesthood, believing that it would practically result in a second Established Church. Though Peel was not in the Cabinet, he was practically responsible for the Irish policy of the Government, and little was heard during this period of Lord Sidmouth, the Home Secretary, who was responsible in the Cabinet for Irish affairs. There is reason to believe that Peel became weary of the task of supporting and defending the Ascendency party in Ireland. In 1817 he was elected member for the University of Oxford, and took the opportunity of resigning his post in the Government, alleging that his new duties as member would be incompatible with the official work of Irish Secretary. He left Ireland, thoroughly tired of the country and of the office. A competent and friendly critic said of him, that his feelings of relief were not greater than those of the Catholic section of the Irish people at his departure.\* It is right to add that Peel gained during the period of his Irish office a great reputation for careful administration. It is probable that, during his long apprenticeship in the varied work of the Irish office, he acquired much of those business habits, and that close application to work, which so greatly distinguished him in after-life.

Peel remained out of office till 1821. During this period Ireland continued more or less in a disturbed state. No attempt was made by the Government to apply remedies either for its political or agrarian wrongs. In 1819 Mr. Grattan made his last effort on behalf of Catholic Emancipation. He was supported by

\* Croker's "Memoirs," vol. i. p. 107.

Mr. Croker, and his motion was rejected by the narrow majority of two, in a division of 243 to 241. In the Lords a similar motion was rejected by 147 to 106. Grattan crossed over from Ireland again in the following year, intending to renew his efforts; but illness prevented his attendance in Parliament, and he died shortly after his arrival in London. By universal desire he was buried in Westminster Abbey. These brief references to his labours in the Imperial Parliament for the Catholic cause, which he served with what he called himself "a desperate fidelity," include but a small part of the work on which his reputation rests. It was in the Irish Parliament that he made his fame. It was due to his exertions mainly, from the date of his entering into political life in 1775, that Ireland obtained the recognition of the independence of its legislature in 1782; that its commerce was freed from restrictions; and that its judges were made irremovable.

In the Irish Parliament, from 1782 till its extinction in 1800, Grattan was its chief ornament, its most eloquent, patriotic, and disinterested member; almost alone among the Protestants of Ireland, he advocated, from the very first, the complete and unqualified emancipation of the Catholics. It was in no small degree due to him that the Relief Bill, admitting the Roman Catholics to the elective franchise, was passed by the Irish Parliament in 1793—a concession which, when we look to the composition of that Parliament, was far greater than that carried by the English Parliament in 1829. He supported the admission of Catholics to the Irish Parliament, but was opposed by the English Government. If this proposal had been carried, there would probably have been no Act of Union. He was also an earnest advocate for reform of the Irish Parliament. In this, again, he was opposed by the British Government. After repeated attempts to carry these two measures, finding that the Government refused to yield, and that the revolutionary feeling of Ireland was rising



to a point which made the rebellion of 1798 inevitable, he retired from the Irish Parliament. He consented to be re-elected again for the express purpose of taking part in the last debates on the proposal to destroy the independence of the Irish Parliament; his speech on the second reading of the measure for carrying the Union was worthy of the occasion, of the highest order of eloquence, with every quality of force, indignation, pathos, and trenchant argument. Transplanted later in life to the English Parliament, he fully sustained his Irish reputation, though his style differed so much from that of the eminent men he had there to encounter. There were certain mannerisms of gesture and dialect, and peculiarities of diction which at first detracted from the pleasure of listening to him, but his hearers soon forgot these defects in the keenness of his argument, the elevation of his thoughts, the terseness of his sentences, the felicities of expression, and the almost over-abundant flow of epigram and antithesis.

Though profoundly convinced that a great wrong had been done to his country by the Act of Union, and that the day would come, when the injury effected, both to Ireland and England, would be fully recognized, Grattan did not think it expedient prematurely to reopen the question in the British Parliament. His dying request to his friend, Sir John Doyle, was that he should not attack Lord Castlereagh. "The Union," he said, "has passed; the business between him and me is over, and it is the interest of Ireland that Castlereagh should be Minister. . . . I found the Government in a league to sell my country; I told them so. I opposed the Union. I stood up for Ireland, and I was right."\* His tomb in the Abbey and his statue in St. Stephen's Hall are proofs, that it was even then possible to hold that Ireland ought to have an independent legislature, without losing the claim to imperial honour as a patriot and a statesman.

In 1821 another effort was made in Parliament

\* "Life of Grattan," vol. v. p. 553.

on behalf of the Catholics. Mr. Plunket, who was now the most distinguished survivor of the Irish Parliament, moved for leave to introduce a Bill on the subject, in a speech which equalled in argument and eloquence, if it did not exceed, that which he had made eight years earlier, and which had made his reputation in the House of Commons. He was opposed by Peel, who had been recently appointed Home Secretary, and who in this capacity took a leading part in directing the Irish policy of the Government; but, in face of the opposition of the Government, the motion was carried by one vote only. The Bill, when introduced, was again opposed by the Government. It was supported by Canning, Wilberforce, and Mackintosh, and was carried, on the second reading, by 254 votes to 243.

In the House of Lords, Liverpool and Eldon did their utmost against it, the latter saying that there were not three lines in the measure to which he could assent. The Bill was rejected by a majority of 159 to 120. The occasion was important, as it was the first of a very long list of cases, in which remedial measures for Ireland, passed by the House of Commons, have been rejected by the House of Lords. The position of the Irish Representative Peers had much to do with this. By the arrangements made by the Act of Union, twenty-eight representatives were to be elected by the Irish peers to sit for life in the Parliament of the United Kingdom. The elections have ever since been in the hands of the Protestant peers of Ireland. No Catholic peer has ever been elected; and no peer known to be liberal in his views, at the time of election, has ever been chosen. As a result, the House of Lords has been leavened and prejudiced on Irish questions by a number of peers from Ireland, representing only one, and the smallest section of its people, and only one interest, that of landlords; a body without any popular sympathies, and the determined opponent of every measure of justice to their country. If the Catholics of Ireland had been repre-

sented in the House of Lords in proportion to their numbers, Emancipation would have been carried in 1821. The Irish peers have ever since been the worst element of the Upper House, urging the Tory party to repeated blunders, but doubtless most useful to it in a purely party sense.

In the summer of 1821, Ireland was honoured by a visit from George IV., who had recently, on the death of his father, ascended the throne. He was the first English monarch since William III. who had set foot in Ireland. He was received everywhere with extravagant demonstrations of loyalty. With excellent taste, the Catholics refrained during his stay from pressing their grievances, or even from making the slightest allusion to them. O'Connell himself went out of his way to show his devotion to his Sovereign, and overdid the part so as to draw from Lord Byron a well-known rebuke. Everything was done by the King to give the impression of friendly feeling to the Catholics, and their hopes were again raised, only to be dashed to the ground, when the royal visit was over; for George IV. never had any intentions of changing his opinions again on the Catholic question.

Whether as a result of the King's visit, or of the recent success of the Catholic Bill in the House of Commons, a determination was arrived at by the Government to effect a change in the policy of their administration in Ireland, and to constitute the *personnel* of the Castle in a manner more agreeable to the Catholics. Lord Wellesley, well known for his Catholic sympathies, was sent as Lord Lieutenant. Mr. Plunket, who had carried the Catholic Relief Bill through the House of Commons, was appointed Attorney-General, in place of Mr. Saurin, the ardent advocate of Protestant Ascendency, who for many years had been the mainstay of the administration. On the other hand, Mr. Goulburn, whose Protestant sympathies were equally decided, was appointed Chief Secretary, and all the other partisans of the Ascendency, including Lord

Manners, the Chancellor, were left at their posts. The Home Secretary, Lord Sidmouth, privately informed Lord Manners that "conciliation, not concession," was the principle to be adopted by the Irish Government, and that Lord Wellesley was sent to administer the laws, and not to make an alteration of them.\* While, therefore, the Executive in Ireland was divided between men of opposing principles, no real change of policy was introduced by the English Government, especially in relation to the Catholic claims.

Lord Wellesley soon found himself in a false position. He was friendly to the Catholic claims, but he had to administer Ireland according to anti-Catholic laws, and under an anti-Catholic Cabinet. He endeavoured, however, to pursue a policy of conciliation, so far as the narrow limits of his instructions permitted him. As an illustration, it is worth while to notice an incident, small in itself, but of interest as showing the relation of parties in Ireland. It had been the custom, for upwards of a hundred years, to decorate the statue of William III., on College Green, with flowers and flags, on November 12, the anniversary of the battle of the Boyne. This annual demonstration was naturally displeasing to the Catholics, who formed the great majority of the population of Dublin, and Lord Wellesley, with the approval of the Lord Mayor, directed that it should be discontinued. This slight concession to Catholic feeling caused great indignation among the Protestants. The Corporation of Dublin passed a vote of censure on their Mayor; in the heat of their wrath, the Guild of Merchants of Dublin met and actually voted a petition to Parliament for the repeal of the Act of Union. Lord Wellesley, for the same reason, was hissed at the theatre. A bottle, supposed to contain some explosive substance, was thrown at him. A riot ensued, which is known by the name of the Bottle Riot. The rioters were pro-

\* Letter of Lord Sidmouth to Lord Manners, December 12, 1821, "*Life of Sidmouth*," vol. iii. p. 381.

secuted, but the Protestant grand jury threw out the Bills of Indictment. All the elements of a social disturbance arose, but resulted in nothing worse than a storm in a teapot.

Meanwhile much more serious events were occurring in the south and west of Ireland. The political position there was aggravated by a famine, caused by a failure of the potato crop. Vast numbers of tenants were reduced to indigence. In Clare county alone 100,000 persons were supported by charity, and in Cork county more than 120,000. The attention of England was seriously directed to the sufferings of the Irish; large subscriptions were made to relieve the people, and in London alone the sum of £250,000 was raised for this purpose. Disturbances ensued in many parts of Ireland, due rather to the agrarian difficulty than to political causes. The first act of the Government on the assembling of Parliament was to apply for fresh powers for the Executive of Ireland. They recommended the re-enactment of the Insurrection Act, and the suspension of the Habeas Corpus Act. These measures were strongly opposed by Mr. Brougham, Mr. Spring Rice, Sir F. Burdett, and others, and by Lord Holland and Lord King in the House of Lords, on the ground that no sufficient case had been made out for measures of such severity, and that an increase of the military force would suffice for dealing with the state of Ireland. The Bill was carried in the Commons by a majority of 195 to 68.

The Irish Government availed itself vigorously of the powers thus given to it, but without much effect on the condition of the country, for outrages continued, and large bodies of men collected, and were only dispersed, after serious conflicts with the military and police. It is stated in a contemporary account that "the insurgents consisted largely of men who, by the depression of farming produce, had been reduced from the rank of substantial yeomen to complete indigence. By the custom of letting lands

in perpetuity, or for any long period of years, many farmers had been induced to expend their whole property upon buildings and improvements, calculating upon a permanent interest in farms, for which, however, they now paid full rack-rents, or even more. These men readily fell in with any project likely to embroil the country." \*

It is evident, from this and other accounts, that the two concurrent circumstances of the great fall in prices of agricultural produce, due to the peace and the return to a gold currency, unaccompanied by any reduction of rents, and the failure of the potato crop, had reduced the bulk of the population to a condition of despair. No attempt, however, was made to apply any remedies to the agrarian difficulty. Under the Insurrection Act the people were practically handed over to the local magistracy, who, representing one class alone, the landlords, were able to use the whole of the civil and military force of the country to collect their rents.

Later in the year, application was made to Parliament for a further renewal of the Insurrection Act, and for a greater extension of the constabulary force. The debates on these measures are interesting, as showing a greater desire on the part of members to probe the causes of the disturbances in Ireland. The second of these measures was supported by the Government, on the ground of the unsatisfactory condition of the Irish magistracy, and the inexpediency of trusting entirely to it for the maintenance of order. Credit was claimed for Lord Wellesley for having purged the list of magistrates of some of its worst members. The measure was attacked on the ground of its highly centralizing tendency, and the enormous power it would concentrate in the hands of the Irish Executive. Mr. Charles Grant, who had held the post of Irish Secretary for two years, in succession to Peel, led the opposition. It is worth while to quote his testimony

\* Annual Register, 1822, p. [30].

as to the method of government long pursued in Ireland. "Of the great causes," he said, "which had been most operative in producing the past and present state of Ireland, the first was that system of coercive laws to which the Government had recourse upon every emergency. What had been the result? Security? No; it had only excited feelings of ill-will, hatred, and revenge. It had secured a conviction in the minds of the lower classes, that the law was founded on principles hostile to them, and that the Government of England felt at liberty to resort to unconstitutional measures, for the administration of Ireland, which they dared not employ in England. A second cause was the habitual interference of the Government in all the matters of internal police. The continued operation of this cause with the former, the blending of extraordinary legislation on matters of general government with extraordinary interference on matters of police, had created a supineness among the gentry and inhabitants of the country which could never be sufficiently deplored. That supineness had led the way to humiliation, humiliation to want of respect, want of respect to carelessness in the discharge of public duty, and that carelessness to the abuse of all public trusts." The measure was highly unpopular with both parties in Ireland—with the Protestants, because it tended to degrade the position of the landlords and local magistrates, with the national party, on account of its costliness, and its tendency to centralization.

During the same session a motion was brought forward by Mr. Hume in the House of Commons for the abolition of the Irish Church; but it received little support. A proposal by Lord Lansdowne in the House of Lords for the commutation of Irish tithes was opposed by Lord Liverpool on the grounds that Parliament had no more right to deal with tithes, than with the rents of landlords, and that the clergy of the Church of Ireland were a most valuable class of men, not merely as clergymen, but as resident proprietors. Another

measure was proposed by Mr. Canning (then designated as Governor-General of India) for the admission of Catholic peers to sit and vote in Parliament. In spite of the violent opposition of Peel, it passed the Commons by the small majority of 235 to 233. In the Lords it was rejected by 171 votes to 129, after a speech of great force from Lord Eldon, who contended that the exclusion of Catholics from legislative and judicial power was and ought to be of the essence of our constitutional system.

Later, on the death, in 1822, of Lord Londonderry—the Castlereagh of the Union, whose last official act had very appropriately been to propose another Coercion Bill for Ireland—Mr. Canning was appointed Secretary for Foreign Affairs, and gave up his intention of going to India. Thenceforward the Catholic question entered into a new phase, for it was admitted to be an open one for members of the Government—one on which they might speak and vote in opposite directions—thus showing a very great advance in the question. Canning, on taking office, resigned his seat for Liverpool, and became a candidate for Harwich. In his address to this constituency he defended himself for taking office in a Government, which was not prepared to deal at once with the Catholic question. “He considered this question as hopeless in the then state of the country; and that it was equally hopeless to form an administration, which should agree upon this measure, and at the same time be competent to carry on the government of the country.” This did not save him in the following session from a fierce attack of Brougham, for joining a Government, which was not prepared to concede justice to the Catholics. He accused Canning of having exhibited “a specimen, the most incredible specimen of monstrous treachery, for the purpose of obtaining office, that the whole history of tergiversation could furnish.” At this point Canning rose and said, “That is false.” A scene ensued which nearly



resulted in the committal to custody of both these distinguished members; and the excitement was with difficulty allayed. In the course of the discussion, Canning expressed his confidence that the Catholic question would make its way under any Government, which did not actually unite or openly set its countenance against it. He defended himself for joining the Government, and denied that he intended to convey by his previous explanations, that the question could not be carried without its being made what was technically called a Government question. There is no doubt, in spite of what Canning then said, that the acceptance of office by himself, Plunket, and other leading advocates of the Catholic claims, in a Government not pledged to carry it, and which was divided on the subject, greatly discouraged its supporters, and tended to delay its ultimate success.

Notwithstanding the coercive measures of the Government, the winter of 1822-3 was the scene of renewed disturbances in Ireland, similar to those of the preceding year. Notices were widely posted forbidding payment of tithes and rent. The legal remedy for levying distress for rent was rendered ineffectual by the carrying off of stock. When crimes were committed, it was impossible to induce witnesses to come forward, with a view to the detection and conviction of the perpetrators. In the session of 1823 the first effort of the Government was, as usual, to renew the Insurrection Act. This time, some small attempt was made to accompany the measure with a remedy to meet the agrarian difficulty. In spite of Lord Liverpool's declarations in the previous session, it was discovered that the collection of tithes was one of the principal causes of the disturbances in Ireland, and it was thought well to introduce a Bill for their composition. As originally introduced by the Irish Secretary, the measure contained a compulsory clause by which the tithe-receivers might, against their will, be compelled to accept a money payment. This, however, met with so

much opposition, on the ground that it was a violation of the rights of the Church of Ireland, that it was abandoned, and the measure finally passed the Commons as a purely permissive one. The House of Lords again distinguished itself, this year by rejecting a measure of Catholic Relief which the House of Commons had passed. It was a Bill to give the elective franchise to the Roman Catholics of England and Scotland—a measure which had been conceded in Ireland in 1793 by the Protestant Parliament of that country, and in respect of which it would be difficult to conceive what arguments could possibly be urged against its extension to England. The measure passed the Commons by a large majority; but in the Lords, on the suggestion of Lord Eldon and Lord Redesdale, it was rejected by 80 to 73. The same fate was only avoided for another Bill, for making Catholics eligible for certain offices in England, which had also passed the Commons, by its not being proceeded with in the Lords. During the same year, Mr. Brougham, in the House of Commons, presented a petition, signed by two thousand Roman Catholics, complaining of the administration of justice in Ireland; and in moving that it should be referred to a committee, he attacked the whole system of government in Ireland. He showed the exclusively partisan character and the corruption of the magistracy, the packing of juries, the malpractices of the sheriffs. He pointed out the abuses of the Civil Bill Courts, of the revenue board, and of the assistant-barristers; and he complained of the absence of guarantees for judicial purity, such as existed in England. The Secretary for Ireland defended the system. The petition received little support from the Irish members, who evidently sympathized with their Protestant countrymen, and the committee was refused by 139 to 59.

In the following year (1824), in spite of great improvement in Ireland, owing mainly to a better harvest, the Ministers again asked for a renewal of the Insurrection Act. This course was opposed by

Lord John Russell, who said that the Act was an infringement of a free constitution, and a clumsy contrivance for the maintenance of order. The Bill, however, was carried by 112 to 23. Lord Althorp then moved for a committee to inquire into the state of Ireland, and suggested, as subjects for consideration, the relation of landlord and tenant, the Church Establishment and tithes, and the financial relations with England. The Government moved an amendment restricting the inquiry into the disturbances in Ireland, and carried it by a large majority. The only further Parliamentary incidents of importance in this year were a motion by Mr. Hume, directed against the Established Church of Ireland, which was rejected by 153 to 79, very few of the minority being Irish members; and a renewed attempt by Lord Lansdowne to carry a measure for the relief of English Catholics similar to that of the previous year, which was again rejected by the Lords by 139 votes to 101.

While the Catholic cause was thus falling back in Parliament, partly owing to its chief supporters having joined the Government, O'Connell was laying the foundation in Ireland of a much more powerful organization than he had ever previously succeeded in establishing. The question had temporarily lost ground there, owing to the differences which had arisen about the Veto, and the consequent alienation of many of the leading Catholics from the more popular party. At the close of the year 1822, all vestige of an organization had disappeared, and there was an almost complete torpor in the public mind on the Catholic claims. O'Connell now made a renewed effort to push the question to the front. In 1823, with the aid of Mr. Sheil, who had already gained a reputation as an able speaker and writer, but who had hitherto been separated from him on the Veto question, he founded the Catholic Association. Some of the leading Catholic peers, such as Lord Killeen, the son of Lord Fingall, Lord Gormanston, and Lord Kenmare, joined it; and

many of the leading Catholic bishops and members of the priesthood also gave it their support ; chief among these was Dr. Doyle, the Bishop of Kildare and Leighlin—a prelate of ability and energy, possessing much literary power, which he freely used for the popular cause. The Association consisted of members paying a guinea each year and of associates paying one shilling ; its executive consisted of a standing committee, of which O'Connell was the head.

At first the Association attracted but little attention. It was even treated with contempt, as Mr. Sheil tells us, by its opponents, and many Catholics themselves spoke of it with derision. At its weekly meetings it was often difficult to obtain a quorum of ten members. O'Connell, however, soon infused a vigorous life into it. He gave up daily to it a large portion of his time, at a great sacrifice of his professional work. He alone conducted all its correspondence, advised all its proceedings, perfected all its organization. He conceived the idea of enlisting, on behalf of the cause, the masses of the people, who had hitherto taken no active part. He devised, in the following year, the plan of inviting throughout the country monthly subscriptions of one penny, to which he gave the name of the Catholic Rent. At first this was a mere experiment, but it struck the imagination of the Irish people ; it gave them immediate interest in the proceedings of the Association, by making them partners in a great movement, which soon spread all over Ireland. "The rent-collecting soon settled into a system ; the collectors became the disciplined, as the rent contributors were the irregular, troops of the Association." \* The rent enabled the Association to undertake work of immense importance to the Catholic cause, in the press, in the law courts, by defending persons unjustly accused, and in a vast variety of ways, where their adherents required support and assistance. The number of contributors multiplied rapidly. Subsidiary associations

\* Wyse's "History of the Catholic Association," vol. i. p. 209.

were formed in every parish ; the parish priests everywhere became voluntary collectors of the rent, and soon the weekly tribute amounted to no less a sum than five hundred pounds, representing half a million of subscribers, and testifying to the firm hold the question had taken of the hearts of the Catholic population. The Association became an organized embodiment of Catholic opinion ; O'Connell was its dictator ; he was supported by all the bishops, by a priest in every parish in Ireland, by thirty thousand rent-collectors, and by one member at least in every Catholic household. Coincident with this movement was a literary campaign of great importance to the cause. In England, Sydney Smith, Jeffrey, and Cobbett, in Ireland Moore and Sheil, produced great effect by their brilliant and witty attacks on the Protestant Ascendency in Ireland, and their defence of the Catholic claims, and the cause consequently made rapid progress in the estimation of public opinion.

In 1824 a petition from the new Association, carefully drawn up by Mr. Sheil, and presenting the whole case of the Catholics with great force, was presented to both Houses of Parliament by Lord Grey and Mr. Brougham. The petition described at length the injustice and partiality of the whole system of administration in Ireland, the partisan character of the magistrates, the lawless manner in which they exercised their summary powers, the habitual packing of juries, and the mockery of justice in the trials which took place.\* It pointed out the growing discontent in Ireland, and the widening breach between landlords and tenants. In the discussion which took place on this petition, Peel replied that "he wished to rescue the Catholics of Ireland from the charge of

\* Mr. McCullagh Torrens, in his memoirs of Sheil, says that a learned friend of his used to say that when, as a young man on circuit in Ireland, he listened to Lord Norbury charging a jury in a capital case or sentencing the prisoner, he felt as though he heard a butcher sharpening his knife.—"Life of Sheil," i. p. 190.

having prepared so inflammatory a petition, couched as it was in such unbecoming language ; he discredited all insinuations thrown out against the selection of magistrates, sheriffs, and jurors."

The Government soon became alarmed at the progress of the Catholic Association, having regard as much to its democratic as to its political tendency. The Irish Secretary therefore, in 1825, introduced a Bill to suppress unlawful associations in Ireland. He frankly admitted that his object was to enable the Government to suppress the Catholic Association. The Convention Act, he said, prohibited all assemblies for the appointment or election of deputies. The Catholic Association had succeeded in evading this Act ; it was under, therefore, no legal control. "It had this peculiarity, that all its members were of one mind. There was no competition of opinion ; no opposing voice was heard. Every decision was unanimous. Under other circumstances the fickleness of the multitude might operate as a check to the probable evil results of such an association ; but this self-elected body was under no control, and continued to act without resorting elsewhere for extraneous advice, or receiving fresh accessions of authority from the people. Again, in upholding that Association were to be found men of disappointed ambition and considerable talents, who exerted themselves in exciting the public feeling against the Government, and in inflaming the population against the laws, and against what they described to be a prodigal and corrupt administration of them. The surviving members of the committee of 1793—that very committee against which the Convention Act was passed—were now enlisted with the Association ; and there were also found in its ranks men who had been the familiar friends of these traitors of old time—the Tones, Russells, Emmetts. It was no doubt true that in the Association were to be found also a great proportion of the Catholic gentry and aristocracy ; but such a connection was not altogether voluntary on their

part, and a great number of that class were as much alarmed at the proceedings of the Association, as its most determined opponents in Parliament. The Association condescended most strictly to imitate the forms of Parliament. They appointed their committees of grievances, of education, and of finance. They had copied almost verbatim the sessional orders of the House of Commons." Complaint was also made against the Association for issuing its mandate to the priests in every parish of Ireland, calling upon them to use every means in their power to produce a large contribution; and for its interference with the Courts of Justice by investigating and condemning crimes committed by Catholics against Protestants.

Attention was called to an address of the Association to the people of Ireland, in which it was said, "In the name of common sense, which forbids you to seek foolish resources; by the hate you bear the Orangemen, who are your natural enemies; by the confidence you repose in the Catholic Association, who are your natural and zealous friends; by the respect and affection you entertain for your clergy, who alone visit your beds of sickness and desolation; by all these powerful motives, and still more by the affectionate reverence you bear for the gracious sovereign, who deigns to think of your sufferings, with a view to your relief; and above all, and especially beyond all, in the name of religion and of the living God, we conjure you to abstain from all secret and illegal societies and Whiteboy disturbances and outrages." This address was denounced as anti-Christian in its language and sentiments. "Was it to be wondered at that a society so formed and so acting should create anxiety and alarm? Was it possible that the Government could avoid calling upon Parliament to prevent the danger likely to arise from such proceedings?" In the same spirit Mr. Peel argued that the Association was dangerous, because it interfered with the administration of justice. He contended that every Catholic, who had subscribed even a

farthing to it, was disqualified from sitting as a juror ; as every peasant in Ireland was said to be a member of the Association, justice was likely to be tainted. "The Association," he said, "imitated and travestied the proceedings of Parliament ; its intentions might be good, but with such machinery how easily it might be converted into a political engine of the greatest mischief ! What would be the consequence of establishing the principles on which it was founded—the establishment in all directions of similar associations by individuals for their own protection ? The country would in consequence be filled with confusion and anarchy." The Bill, for suppressing the Association was violently opposed by Brougham, Denman, and Sir H. Parnell. It was supported—one regrets to recall the fact—by Canning and Plunket, showing how connection with their colleagues in office had already warped their judgments, and diverted their natural impulses. "I do not say," said Plunket, "that the Association is illegal in the strict sense ; for if it were, the Irish Government would be able to prosecute, and need not have come to Parliament for a remedy ; but I will say that an Association, assuming to represent the people, and in that capacity, to bring about a reform in Church and State, is directly opposed to the spirit of the British Constitution. I do not deny the right of the people to meet for the purpose of promoting the redress of grievances in Church and State by discussion and petition ; but I do deny that any portion of the subjects of the realm have a right to give up their suffrages to others—have a right to select persons to speak their sentiments, to debate upon their grievances, and to devise measures for their removal, these persons not being recognized by law. This is the privilege alone of the Commons of the United Kingdom, and those who trench upon that privilege act against the spirit of the British Constitution." Canning, in the same spirit, while admitting that the Association had not assumed itself to be a representative of the people



of Ireland (which would have brought it within the Convention Act), said that he could not shut his eyes to the fact that such a character had been attributed to it. "Can there," he said, "co-exist in this kingdom, without imminent hazard to its peace, an assembly constituted as the House of Commons is, and another assembly invested with a representative character as energetic as that of the House of Commons itself? Ought we not to check the Association in time, before it has acquired strength and maturity?" After expressing his strong conviction of the justice and expediency of removing the disqualifications of the Catholics, he stated his opinion that the Catholic question had retrograded in the minds of the people of England in consequence of the proceedings of the Association. Mr. Canning then proceeded to make a long vindication of his own political consistency on the Catholic question, and of the sacrifices he had made for it. It is unnecessary to quote from the speeches against the Bill. The arguments will occur to any one from the line adopted by its supporters. The Bill was carried after a few nights' debate by a large majority; \* it was carried in the Lords, after an opposition from Lord Grey and Lord Lansdowne, by a majority of 146 to 44.

The Catholic Association, on the passing of this measure, made no show of resistance. By the advice of O'Connell, it dissolved itself at once; but only to be reconstituted under a new title, that of the New Catholic Association, differing slightly from the old Association, so as to avoid the penal consequences of the new law. O'Connell, in fact, boasted of his power to "drive a coach and six" through any penal Act which could be devised against him. Practically, the new Association carried on the work of the old one without hindrance, till Emancipation was secured. The skill of O'Connell was directed at this time not merely to driving a coach and six through penal Acts, passed

\* Division, February 21—For the second reading, 253; against, 107.

against the Catholics, but also to preventing as far as possible the use of any language in the Association, which might lead to penal consequences. The Government was lying in wait, and was ever ready to avail itself of any opportunity for directing prosecutions for language, which might be construed in a treasonable sense. With the aid of partisan judges and packed juries, it hoped to lay hold of its opponents. O'Connell was nearly caught in these meshes. However careful he was in his language, expressions sometimes fell from him which might be twisted into treasonable matter. After describing, in one of his speeches, the career of Bolivar, the South American patriot, he expressed the hope that, if Parliament would not attend to the Catholic claims, some Bolivar would arise to vindicate these rights. For these words, most innocent as they seem in the present day, and preceded by an "if," which made them refer merely to some hypothetical case, he was prosecuted by direction of the Attorney-General, Mr. Plunket; but, fortunately for him, the grand jury by a majority threw out the Bill.

The House of Commons, having declared war against the Catholic Association, then proceeded to do its best to secure the objects which the Association had in view. Sir F. Burdett proposed a motion in favour of the Catholic claims. It was seconded by Mr. Croker, and supported by Canning, Plunket, and Brougham, and in spite of the opposition of Peel and others of the reactionary section of the Government, it was carried by the small majority of 13.\* The debate was notable for a speech of Canning, in which he gave a history of the Catholic movement in Parliament and of his own connection with it, and of the sacrifices which he had made to the cause. "I have always," he said, "refused to act in obedience to the dictates of the Catholic leaders; I would never put myself into their hands, and I never will. . . .

\* Division—247 for the motion, 234 against.

Much as I have worked to serve the Catholic cause, I have seen that the service of the Catholic leaders is no easy service. They are hard taskmasters; and the advocate who would satisfy them must deliver himself up to them bound hand and foot. . . . But to be taunted with a want of feeling for the Catholics; to be accused of compromising their interests, conscious as I am—as I cannot but be—of being entitled to their gratitude for a long course of active services and for the sacrifice to their cause of interests of my own;—this is a sort of treatment which would rouse even tameness itself to assert its honour and vindicate its claims. I have shown that in the year 1812 I refused office rather than enter into an administration pledged against the Catholic question. I did this at a time when office would have been dearer to me than at any other time of my political life; when I would have given ten years of life for two years of office; not for any sordid or selfish purpose of personal aggrandizement, but for other and far higher views. But is this the only sacrifice which I have made to the Catholic cause? The House will perhaps bear with me a little longer while I answer this question by another fact. From the earliest dawn of my public life—ay, from the first visions of youthful ambition—that ambition had been directed to one object above all others. Before that object all others vanished into comparative insignificance; it was desirable to me beyond all the blandishments of power, beyond all the rewards and favours of the Crown. That object was to represent in the House the University in which I was educated. I had a fair chance of accomplishing this object, when the Catholic question crossed my way. I was warned—fairly and kindly warned—that my adoption of that cause would blast my prospects. I adhered to the Catholic cause and forfeited all my long-cherished hopes and expectations. And yet I am told that I have made no sacrifice; that I have postponed the cause of the Catholics to views

and interests of my own ! Sir, the representation of the University has fallen into worthier hands. I rejoice with my Right Honourable friend near me (Mr. Peel) in the high honour which he has obtained. Long may he enjoy the distinction ; and long may it prove a source of reciprocal pride to our parent University and to himself. Never have I stated till this hour, either in public or in private, the extent of this irretrievable sacrifice ; but I have not felt it the less deeply. It is past, and I shall speak of it no more.”\*

We know now from Peel's memoirs, that this debate, and the events of that time, made so much impression on him, that he was convinced that concession must be made to the Catholics, though he was not prepared to be a party himself to any legislation in this direction. He sought an interview with Lord Liverpool, and offered to withdraw from the Government, while concessions were being made. Lord Liverpool, however, threatened to resign himself sooner than attempt anything ; Peel's offer consequently resulted in nothing, and no change of policy occurred. A Bill founded on the resolution of the House was then introduced by Sir F. Burdett, Plunket, Canning, Palmerston, Mackintosh, Sir H. Parnell, and Spring Rice. The Bill, after declaring the Protestant succession, and the Protestant Episcopal Church of England and Ireland to be established permanently and inviolably, and stating that the declarations against transubstantiation, the invocation of saints, and the mass, now required in the Parliamentary oaths, related only to matters of spiritual and religious belief, and did not in any way affect the allegiance of his Majesty's subjects, proposed that they should no longer be taken as qualifications for office or franchise by any of his Majesty's subjects. The Bill then recited, that with respect to the oaths of allegiance, supremacy, and abjuration, the Catholics had never objected to any of them, except the oath of supremacy, and to that merely as apprehending that

\* Mr. Canning's speech, February 15, 1825.

it might be construed to import a disclaimer of the spiritual authority of the Pope or Church of Rome in matters of religious belief, and it proposed a new oath, freed from these difficulties on the consciences of Catholics, but requiring them to disavow any temporal power of the Church of Rome in England, or any intention to subvert the present Church Establishment for the purpose of substituting a Roman Catholic Establishment in its stead.

Two other Bills were introduced at the same time, with the object of facilitating the passing of the main proposal—the one for disfranchising the forty-shilling freeholders in Ireland, and raising the qualification of voters in the counties to freeholds of £10 in annual value; the other providing for the payment of the Catholic clergy by the State, on a scale by which four Archbishops of the Church were to receive £1500 a year; twenty-two Bishops £1000; three hundred deans £300 each; and the clergy stipends varying from £60 to £200 a year each. It was estimated that the total amount required for this purpose would be £250,000 a year. The Catholic Relief Bill was carried on the second reading by a majority of 268 to 241, after a debate sustained chiefly by Canning, on the one side, and Peel on the other, speaking as members of the same Government and from the same Bench. The second Bill, for raising the qualification of county voters in Ireland, was carried by 233 to 185, Peel this time also voting against it, in company with Brougham and Denman. The third measure, for paying the Catholic clergy, was introduced by a majority of 205 to 162. The two first Bills were carried successfully through the Commons. In the House of Lords, the Catholic Relief Bill was rejected, on the second reading, by a majority of 48,\* after a long debate in which Lord Liverpool and Lord Eldon led the opposition.

The Peers divided a little before six in the morning; after two nights of debate. It is of this division

\* Division—Content, 130; Not Content, 178.

that Lord Eldon wrote to his daughter that "Lady Warwick and Lady Braybrooke would not let out their husbands to go down to the House to vote for the Catholics, so we Protestants drink daily as our favourite toast, 'the ladies who locked up their husbands.'"\* There is no doubt that the action of the Lords, in throwing out the Bill, was very popular in the country; so much so that Lord Liverpool was urged to dissolve Parliament in order to take advantage of this popular feeling, and the Duke of Wellington was strongly in favour of this course.†

The division in the Lords was not a little affected by a speech, earlier in the session, of the Duke of York, then heir to the throne. Prompted, it is believed, by his brother the King, the duke went down to the Lords and made a most violent speech against the Catholic claims. He attributed his late father's ailments to his troubles on the Catholic question. He went over the old ground of the coronation oath; he vowed that, whatever might be his future position, "never, so help him God, would he consent to allow these claims." The King appears to have taken some umbrage at his brother having spoken of the possibility of his accession to the throne. "I have no intention," he said, "to make a vacancy just yet;" and, in fact, he survived the Duke of York. The duke, however, was greatly loved and respected in the country, and his opinion carried much weight, especially among the peers. The most was made of the speech by circulating copies of it, printed in gold, far and wide throughout the country. "Never," Lord Eldon, wrote, "was anything like the sensation the Duke of York's speech has made. I hear 'The Duke of York and No Popery' is to be seen in various parts. Nine people out of ten in the City of London are determinedly adverse to the claims of the Roman Catholics."‡

\* Lord Eldon's "Life," vol. ii. p. 550.

† Croker's "Memoirs," vol. i. p. 281.

‡ Lord Eldon's "Life," vol. ii. p. 546.

O'Connell was in London during these debates, and was in the Gallery of the House of Commons during a motion made by Brougham, that he and Sheil should be heard at the Bar of the House against the Bill for suppressing the Catholic Association. Peel, in the midst of an animated speech against the motion, seeing him there, pointedly addressed him by word and gesture, and denounced him as an "attainted traitor." It was generally considered that Peel, in doing so, committed a breach of good taste; it laid him open to a damaging reply from Brougham. O'Connell, during this visit, appears to have had frequent interviews with some of the Whig leaders, and was induced by them to give his assent to the compromise which was embodied in the two concurrent measures, called the "wings" of the Catholic Bill, with reference to the restriction of the franchise, and the payment of the Catholic clergy. On his return, however, to Ireland, he found that these proposals were so unpopular with all classes of Catholics, that he very promptly withdrew his support from them.

In the course of the same year a Committee of the Lords inquired into the state of the disturbed districts of Ireland. The accounts given of the condition of the people, by those examined before the committee, are deeply interesting, even at this lapse of time. O'Connell himself gave evidence at length on the subject, and as to the causes of complaint. He pointed out especially the abuse of legal proceedings, and the degradation of the peasantry and small farmers, resulting from the Eviction Acts of 1815 and 1817. These Acts, he showed, for the first time gave to landlords and lessors the power of distraining growing crops, even when they were the subsistence of the family of the cultivator; they had also removed the exceptions which previously existed to ejectment for non-payment of rent. It was also pointed out that, by the custom of the country, rent was always allowed to be from six months to twelve months in arrears. The power of distress for these arrears of rent was used by landlords to compel

their poorer tenants to work for them at any rate of wages. A civil engineer, who had been employed on works in Ireland, gave this illustration. If he wanted a gang of men to work for him at eightpence a day, and they demanded tenpence, he could complain to the landlord that the people were demanding exorbitant wages. The landlord, whose interest it was that the work should go on, in order that money might be paid to his tenantry, for the purpose of paying their rent to him, would send instant notice that unless they went to work at eightpence a day all their cattle would be driven to the pound under a distress for rent. There exists, he said, no check to the power of the landlord; under colour of the law, the landlords do what they please, and they could extract from their tenants every shilling beyond bare existence, which could be produced from the land. The lower orders of peasantry could never acquire anything like prosperity; they were always in a state of beggary, and the landlords, or middle-men, had it in their power to seize their cows, their beds, their potatoes in the ground, and everything they had, without referring to any tribunal which might perhaps justify resistance, in the impossibility of paying all instantly, and could dispose of the property at any price. The operation of the tithe law was also shown to be most oppressive, especially in the case of the smaller tenants. Pages might be copied from this evidence to show the misery of the tenants, and the harshness of some landlords acting under the protection of the law; most of the crimes in the south and west of Ireland were traced to these causes. The evidence was entirely without effect upon the Lords. They reported that the establishment of the police had done much to improve the situation in their districts, but no suggestion was made by them to mitigate the evils thus brought to light.

In the following year (1826) a general election took place. The Catholic Association, under its new organization, had lost nothing of the force of its predecessor. Its power extended to every parish in



Ireland. Its ample funds were used to promote the interest of the Catholic cause in every direction; to protect the people from oppression, to defend those accused before magistrates, and to expose wrong-doers by the publication of proceedings. The organization and its funds were now used for electoral purposes, and for the first time in Irish history for nearly two centuries, the Catholics began to assert their power in the elections. It was determined to attack the Protestant landlords in some of their strongholds. Lord Waterford's interest in the county of Waterford, and Lord Roden's in the county of Louth, were hitherto unquestioned. The Catholics, unable to send men of their own religion to Parliament, now supported Protestant candidates in these counties, who pledged themselves to vote for the Catholic claims. In Waterford, Mr. Villiers Stuart, a great landowner who supported the cause, and in Louth, Mr. Dawson, a retired barrister of small means, were put forward as candidates. They were backed by the clergy and the mass of Catholic voters, and to the consternation of the Protestant party, and in spite of all the landlord interest, used with the utmost rigour, were successful. The enthusiasm thus aroused caused astonishment even to the leaders of the Catholics. In Louth, two days before the election began, there was no idea of a contest; and yet the moment a friend to Catholic Emancipation was proposed, the whole tenantry of the county simultaneously revolted against their landlords, and, in direct opposition to their personal interests, gave their suffrages to the advocate of religious freedom.\* Other successes were obtained by the Catholic Association elsewhere in Ireland, and it was evident that the forty-shilling freeholders could no longer be relied upon by the landowners to vote like so many serfs for Tory candidates. The spirit of independence was infused into them. For the first time also the priests

\* Sheil's speech in Louth, quoted in his "Memoirs," i. p. 281. Mr. Sheil was of great assistance in the return of Mr. Dawson.

took an active part in the elections. These successes, however, were followed by severe reprisals on the part of the landlords, whose tenants had revolted. The Catholic Rent was largely used in supporting those who suffered from this cause in the contested counties.

In England and Scotland the elections did not result so favourably for the Liberal party. The two questions at issue were the Corn Laws and Catholic Emancipation. The latter, however, was not a popular cry with the English middle classes, and the cause rather lost than gained at the elections. When the new Parliament met, early in 1827, a motion for taking into consideration the Catholic claims was lost by a majority of four in a very full House.\* Canning, Plunket, and Brougham were again its main supporters, and Peel and Copley, then Master of the Rolls (better known as Lord Lyndhurst), its opponents. Canning never made a more impressive speech. Nothing could be clearer or stronger than Peel's language; there was no approach to concession; he maintained that to admit Catholics within the walls of Parliament would be dangerous to the constitution; that in Ireland its only effect would be to increase discord and dissension; that it would lead to fresh interference by the priests in every election between the Protestant landlords and their Catholic tenants. He would do everything that lay in his power, attempt every course, that promised anything like success, to put a stop to the dissensions in Ireland; but in his conscience he believed that the course, which was called emancipation, would be attended by the very contrary of any such results. His speech made a great impression on the House. It was the more remarkable, as Lord Liverpool had a few days before been attacked by a stroke of paralysis, from which, it was certain, he would not recover. The reconstruction of the Ministry was imminent, and it was probable that Mr. Canning would be called

\* Division—272 for the motion, 276 against.

upon to form a Ministry. Peel's speech therefore was something more than an ordinary attack on the principle of Catholic Emancipation; it was an appeal for the leadership of the Tory party; a bid for the support of the Protestant party in the country. It was clear after this debate that there could be no concert between Peel and Canning in a new Ministry.

A few days later Lord Liverpool's retirement was announced. He had been Prime Minister for fifteen years—a longer period than any statesman has held that post, either consecutively or at different periods, since Mr. Pitt; yet he was unquestionably one of the least distinguished in the list of Premiers. His position and success resulted rather from the good sense and tact with which he held together other men, such as Canning, Peel, Huskisson, and Eldon, men who held divergent opinions on many questions, and none of whom were strong enough to form a Ministry, but who were content to serve under a more neutral chief. His own political views were of a very limited character; conservative in the narrowest sense, he was afraid to touch any of the most needful reforms.\* On his resignation, the expected crisis took place, and a long delay occurred before a new Premier was selected. The Catholic question was the stumbling-block. It was impossible to form an anti-Catholic administration out of the remains of the Cabinet, weakened by the death of Lord Liverpool and by the retirement of Canning. Canning refused to hold subordinate office again under a chief like Lord Liverpool. His claims for the first post in the Government were such, that he was perfectly justified in claiming that position, or remaining outside the Government. On the other hand, Peel refused to serve under him, alleging that Canning's well-known views on the Catholic question rendered this

\* His Conservatism is admirably characterized by Paul Courier, who, speaking of his character, said, "If he had been present on the morning of the creation, he would have cried, 'Mon Dieu! conservons le chaos.'"—Mitchell's "*History of Ireland*," p. 160.

impossible. Six weeks were occupied in negotiations. The King, selfish and false as usual, tried hard to renew the old arrangement with another figure-head like Lord Liverpool, and, when that was found impossible, wavered between Eldon and Canning, deceiving each in turn.

Canning was quite ready to stand aside, and allow some other Minister to form an anti-Catholic Ministry, and Eldon was quite ready to undertake the task ; but Peel refused his assistance, well knowing that his position in the House of Commons would be intolerable. The King ultimately decided to commission Canning to form a new Ministry, with the understanding that the Catholic question was to be an open question. Upon this, the Duke of Wellington, Peel, Eldon, and others declined to be parties to the new Government. Overtures were then made to the leading members of the Whig party, but in vain. Canning was against them on the subject of reform of Parliament, and of the repeal of the Test Acts, and they could not agree to forego these questions. As a result, Canning's Government was formed without the aid, either of the main body of the Tories, under Wellington and Peel, or of the Whigs, under Grey and Brougham. It consisted of sections of both parties. Lord Dudley became Secretary of State for Foreign Affairs ; Copley, in spite of his recent speech against the Catholics, was made Chancellor ; Plunket was raised to the Peerage as Irish Chancellor ; Mr. Lamb (afterwards Lord Melbourne) became Secretary for Ireland. The King, whether with the knowledge of Mr. Canning or not, is uncertain, authorized the Archbishop of Canterbury to inform the Bishops of the Church, that it was his resolution to oppose any concession to the Catholics, and that his opinions were the same as those of his revered father.

In the explanations which followed upon the constitution of the Government, Mr. Peel distinctly asserted that he refused to join on account of the

Catholic question. For eighteen years, from the commencement of his political life, whether in office or out of office, he had constantly offered an uncompromising resistance to the extension of political privileges to the Roman Catholics. He thought that the continuance of these bars, which excluded the Catholics from the acquisition of political power, was necessary for the maintenance of the constitution, and the safety of the Church. He had determined to retire from the public service, if Mr. Canning should be placed at the head of the Government. He gave up office because he could not hold it in connection with any administration likely to forward the claims of the Catholics. Was it probable that the appointment of Mr. Canning would have this effect? He assuredly thought it would. Looking to Canning's consistency and sincerity, and judging of him as he would wish to be judged himself, he believed it was his intention to press the claims of the Catholics, if not immediately, at least at no remote period. He recalled the language of Canning in introducing, in 1822, the Bill to enable Catholic peers to sit in the Lords. "I solemnly declare that I would not have brought this question forward, had I not felt assured that the reparation which I ask for the Catholic peers is in the name of policy as expedient, as in the name of humanity it is charitable, and in the name of God just." If, in the name of God, it were just, he must believe, confident, as he was in Mr. Canning's sincerity, that he would again introduce that motion; and what alternative would there remain to him if he continued in office? In conclusion, "he ranked himself among those in whose minds no disposition to change existed, but who rather found their original belief strengthened by consideration."

Mr. Canning's reply to Peel was generous in the extreme. He had felt from the beginning of the discussions on the Catholic claims that separation between them was inevitable, and could not be remote. He complained, however, of the hostility exhibited to him

by many of his former colleagues, which could not be justified by the Catholic question only. That question would be under the new Government precisely in the same position as in the past. Much as he valued emancipation for the tranquillity of Ireland, he would not provoke the resistance which he feared might be aroused in England. Neither did he despair. If the Catholics comported themselves calmly, he was persuaded that the mind of the people of England, or of such portion of them as were hostile to the question, would be gradually brought to take a more rational view of the subject. He expected the dawn of a better day, but he would not precipitate it; he would not for the sake of freedom of conscience force the conscience of others. With these sentiments, he was prepared to say that he would not prematurely stir up the feelings of the people of England for a theoretic, though essential, good.

Little could Peel have foreseen, that before two years were past he would himself carry a measure, conceding to the full the Catholic claims. Had he now stood by Canning, and accepted the same position with reference to this question, which Canning had been content to hold in Lord Liverpool's Government—had he submitted to the question being an open one in the Cabinet—it is probable that a longer delay might have occurred before Catholic Emancipation was carried. Canning, strengthened and supported by the leaders of the Tory party, would not have succumbed so early to the harassing difficulties of his position, and might have restrained his Catholic friends for some time from pushing their claims to the utmost.

It cannot be held that Canning's own position was satisfactory. He appears either to have been wanting in courage to deal with the Catholic question, or else too ready to sacrifice it, in order to attain the object of his ambition, the Premiership. Whether the King could have been forced, at this time, to give his consent to Catholic Emancipation, may be doubted. When, how-

ever, Peel declined to join a Government, based on resistance to this measure, it seems probable that firmness on the part of Canning would have compelled the King to give way. Canning might have been joined by the Whigs, if he had declared his intention to deal at once with this great question. Emancipation would then have been the crowning achievement of his career. As it was, the position of Canning, midway between the Tories who opposed Catholic Emancipation, and the Whigs under Lord Grey who were strongly in favour of it, and who would join no Government which would not propose it as a Government measure, was an untenable one. The question had reached a point when it could no longer with safety be treated as an open question in the Cabinet. The two opposing parties to Canning practically combined in making his position as uncomfortable and difficult as possible.

The change of Government was received in Ireland with very mixed feelings—of delight at the fall of a Ministry of which Eldon was the personification, and which was identified with the system of Protestant Ascendancy; but of grave disappointment that the new Ministry was not prepared to deal with the Catholic question. O'Connell expressed his pleasure at the respite which removal of the Tory Ministers would afford. "If a Liberal and impartial Government," he said, "last but for a month, it would go far to destroy the faith of the time-serving in that affected bigotry which they used as a hand-rope to climb the ladder of preferment." \* Sheil expressed the general view of the Association, in denouncing, as morally responsible for the perpetuation of agrarian crime, the politicians who persisted in upholding a system, which perverted all forms of justice and poisoned the very spirit of social civilization. He pointed out that when Mr. Peel had not long before been asked in the House of Commons what measure he would substitute for Emancipation,

\* Speech in Catholic Association, April 14, 1827, quoted in "Memoirs of Sheil," i. 355.

he honestly stated that he knew of none. There was, however, a disposition to give a fair trial to Mr. Canning, and, at the instance of Sheil, the meetings of the Catholic Association were adjourned for six weeks.

The new Ministry, as an earnest of a new departure on Irish polity, abandoned a prosecution, which had been commenced by the previous Government against Mr. Sheil, for some ambiguous language used at a public meeting. Canning, it is said, read the speech complained of to his Cabinet, and asked any member to stop him, when he reached any sentence, for which a member of the House of Commons could be called to order. As no one interrupted, he said that his Government could not be a party to a prosecution for a speech, which was not even unparliamentary, and the proceedings were consequently stayed.\* He was unable, however, to obtain the King's consent to rectify the grave injustice and professional wrong done to O'Connell, Sheil, and other Roman Catholics by excluding them from the rank of King's Counsel. The King gave way in the case of Brougham, who had been subject to the same exclusion, on account of the part he had taken in the Queen's trial, but he obstinately refused, so long as he lived, to remove this stigma in the case of O'Connell.

Meanwhile the position of Mr. Canning in Parliament was becoming more difficult and precarious. He was violently attacked by Lord Grey in the House of Lords, where he was inadequately defended by his colleagues. In the House of Commons he was also exposed to frequent attacks, prompted by Peel. The loneliness of his position, thus exposed to attacks from two opposite quarters, perplexed and distressed him. He received no quarter from his old colleagues, he could expect none from his old opponents. The anxieties were such that his health, already enfeebled when he took office, broke down. He died in August, 1827, at

\* The story was told by Lord Melbourne to Mr. Sheil, "Sheil's Memoirs," vol. i. p. 360.



the early age of fifty-six, having held for a few months only, the post, which for years had been the object of his ambition. Mr. Canning's name and fame are thoroughly identified with the cause of Catholic Emancipation. For nearly thirty years, from the time when he supported Mr. Pitt in carrying the Act of Union, of which he held the full relief of the Catholics to be an indispensable condition, one to which the good faith of England to the Irish Catholics was pledged, he had rarely lost an opportunity of supporting the cause. Many of his most brilliant speeches were made on its behalf; and he had also sacrificed for it many of the best years of his life, which might otherwise have been passed in office, to the great advantage of the country. It is difficult indeed to reconcile with his constancy to the Catholic cause, his hostility to the repeal of the Test Acts. The same principles of religious liberty and political freedom were involved in both cases.

An Irishman by descent, though not of Celtic race, Canning had the winning qualities which contact with people of Celtic blood seems not unfrequently to impart to those of English race—wit, humour, imagination, vivacity, and human sympathy; these qualities, united with a highly cultivated intellect, gave a charm to his speeches, equally to those who heard or read them. It is to be regretted that he reached the highest post in the Government so late, and held it so short a time—not long enough to impress his policy on the conduct of affairs, nor to develop his ideas for Ireland. It is unfortunate also for his reputation that he gave way to the King on the Catholic question, and that he did not insist upon dealing with it, on taking office. In his hands, it can scarcely be doubted that it would have been treated in a spirit of conciliation, and with a healing force, better and more lasting, than in the case of those, who were later the unwilling instruments of carrying Emancipation. His death was received in Ireland with great demonstrations of regret, in striking contrast with the feeling

exhibited a few years previously, on the death of his contemporary, Lord Castlereagh, one who, like himself, had uniformly supported the claims of the Catholics, but without ever making a personal sacrifice for them, and who has always been regarded in Ireland as the most active and unscrupulous agent in the destruction of its native Parliament.

Mr. Canning was succeeded by Lord Goderich, who formed a Ministry out of the followers of his predecessor. But it broke up from sheer inanition before even it could meet Parliament. The King then summoned the Duke of Wellington, who formed another coalition Ministry, out of the anti-Catholic party, with the addition of four or five of the Canningites, including Huskisson, Palmerston, and Grant. Peel, as Home Secretary, led in the Commons, and Lyndhurst retained the Chancellorship, to the bitter mortification of Lord Eldon; Lord Anglesey was sent to Ireland as Lord Lieutenant. Catholic Emancipation was again to be an open question in the Cabinet; but, with Wellington and Peel in their important positions, the main influence of the Cabinet was against the cause. "Other members, said Eldon, were as yet for Protestants, but some were very loose." \* No change whatever was made in the administration of Ireland. The Government there was powerless in the face of a great national movement. The Catholic Association was in full swing, and was continually growing in power; early in the following year a series of debates, extending over fourteen days, were conducted by it under the presidency of O'Connell, in which every phase of the Catholic question was discussed. They produced a great effect on public opinion in Ireland. On January 13 a demonstration of a very striking and even solemn character took place. By prearrangement, simultaneous meetings were held in every Catholic chapel in Ireland, at which the whole of the Catholic population attended, and joined in a common protest against the injustice to which they were subject.

\* "Life of Lord Eldon," vol. iii. p. 27.

On the meeting of Parliament in 1828, Sir F. Burdett moved a resolution in favour of the Catholics. Though opposed by Peel, it was carried by the narrow majority of six. Peel was not more fortunate in his opposition to another great measure of religious freedom. The Dissenters of England were still excluded from all corporations, and from all municipal offices of trust, unless they consented to take the sacrament, according to the rites of the Church of England. The repeal of the Acts, imposing these tests, had long been an object of the Liberal party, and Lord J. Russell was now the champion of the cause, and introduced a measure for this purpose. At the instance of O'Connell, the Catholics of Ireland made common cause with the Dissenters of England. As the main argument used against the repeal of the tests was that it would be a precedent for Catholic relief, there was strong motive for the Catholics moving in the matter. A petition, signed by 800,000 Irish Catholics, was presented to Parliament for the relief of English Dissenters.

The measure was opposed by Peel and Huskisson, though not in a very hearty manner, and without success. In the Lords it was supported by the Duke of Wellington, and, strange to say, by most of the bishops. It was vigorously resisted by Lord Eldon, who clearly perceived its bearing on the more important Catholic question. "What is most calamitous of all," he wrote, "is that the archbishops and several of the bishops are against us. What they can mean they best know, for nobody else can tell; and sooner or later—perhaps in this year, almost certainly in the next—the concessions to the Dissenters must be followed by the like concessions to the Roman Catholics. That seems unavoidable, though at present the policy is to conceal this additional purpose." And when the battle was over, and, in spite of his efforts, the Bill was passed, he wrote, "I am most distressed and fatigued by what has been lately passing in the House of Lords. . . . I have fought like a lion, but my talons have been cut off."

In the House of Lords, a motion for the relief of the Catholics, proposed by Lord Lansdowne, was not so fortunate as that in the Commons. It was rejected by a majority of 44. The Duke of Wellington, while opposing the motion, used expressions which showed that what was taking place in Ireland, was not without its effect upon the Ministers; he gave rise to the impression that the Government was already considering how to deal with the subject. He balanced the dangers and difficulties of making concessions to the Catholics against those of making no changes, and he thought the latter were the greater. The agitation in Ireland was to be condemned chiefly because it made a settlement difficult. "If the agitation," he said, "would only leave the public mind at rest, the people would become more satisfied; and I certainly think it would then be possible to do something." Before a few months were over, the Duke was himself making use of the agitation for the purpose of overcoming the scruples and objections of his royal master. Shrewd men, like Lord Eldon, gathered from the Duke's speech the shadow of coming events. "O'Connell's proceedings," he wrote, "in Ireland, and the supposed or real ambiguity which marked the Duke of Wellington's speech, have led to a very general persuasion that the Ministry intend, or at least that the Duke intends, next session, to emancipate the Roman Catholics as he has the Dissenters; and the world is uneasy."

Events soon occurred on both sides of the Channel which were to result in forcing on the Catholic question, and compelling its settlement by those most opposed in principle to it. A division of opinion among the Ministers on a point connected with the question of reform of Parliament—namely, the proposed transfer of members from the pocket borough of East Retford to Birmingham, then unrepresented in Parliament—resulted in Mr. Huskisson, and other Canningites, leaving the Government. In the consequent changes, Mr. Vesey Fitzgerald was appointed President of the

Board of Trade, and this involved his re-election for the county of Clare. The Catholic Association had some time previously, on the motion of O'Connell, decided to oppose the election of any supporter of the Wellington-Peel Ministry. Mr. Fitzgerald was exceptionally popular in his native country with all classes. Though he had been a strong supporter of Toryism of the type of Perceval and Eldon, he had always voted for the Catholic claims. His father, still alive, had given up a lucrative post sooner than vote for the Act of Union, and was the best of landlords. The son was a man of considerable ability, and had now achieved the honour of a seat in the Cabinet. He felt no doubt as to his re-election. His interest through the landowners was believed to be paramount, and he was supported by the Catholic Bishop. Lord John Russell, who had just carried the repeal of the Test Acts, appealed to O'Connell not to oppose Mr. Fitzgerald, on the ground that the conduct of the Duke of Wellington, in the case of the repeal of the Test and Corporation Acts, had been so fair and even noble, as to entitle him to the gratitude of Liberals, and that by abstaining from opposition, the Irish people would be showing their interest in the assertion of religious freedom throughout the empire.\* O'Connell was induced to yield to the advice of the Whig leader, and moved in the Association to rescind its resolution. For once, however, he met with vehement opposition; he failed to carry his resolution, and the Association stood committed to oppose Mr. Fitzgerald.

There was great difficulty in finding a good candidate. Some days were lost in negotiations with a Major MacNamara, who eventually declined to stand against a neighbour, to whom he was under great obligations. It was finally decided that O'Connell himself should represent the Catholic cause in the Clare election. The significance of the contest at once became apparent. It is difficult in these days to appreciate the

\* Sheil's Sketches : "The Clare Election."

importance attaching to this election, without understanding the state of dependence on their landlords of the small Irish leaseholders. They were, as a rule, driven up to the poll like cattle; they were looked upon as certain voters; to interfere with them, or to canvass them, on the part of any candidate not supported by their landlord, was considered a personal insult, justifying the landlord in calling out and shooting the offender. Fitzgerald was supported by every landowner in Clare, whether Tory or Whig. It seemed almost impossible to succeed against such a candidate. To defeat him, on the ground that he had joined the Cabinet of Wellington and Peel, would be a victory of national importance, one demonstrating in the most unmistakable way the revolt of the Catholic tenantry from their long bondage. For O'Connell to present himself to the House of Commons, as the member for a county, hitherto reckoned on as a stronghold of the Protestant party, would show that six millions of Catholics were at his back, and would be the strongest of all arguments in favour of their claims, one which Parliament could no longer resist. On O'Connell's side were all the priests in the county, who now for the first time took an active part in the contest. There were also the Catholic tenants, who in the struggle of influence, worldly and spiritual, of public duty and material interests, could be induced to abandon for once their landlords, and vote for the Catholic candidate. O'Connell assured them that there was nothing to prevent his being elected, and he even went the length of saying that he could sit in Parliament, without taking the oath. In any case, if elected, he would demand in person, on behalf of the whole Catholic population, the right which had hitherto been denied to them.

The contest was most exciting. It was accepted as a test of opinion in Ireland, and both parties exerted themselves to the utmost. The Catholic Association sent its ablest members, such as Mr. Sheil, into the

county to stir up the people, and to persuade the priests to use their influence. The O'Gorman Mahon, a well-known henchman of the Catholic Association, opened proceedings by proclaiming his readiness to fight any landlords, who should think themselves aggrieved by the canvassing of their tenants. This is said to have given "tone to the contest," in a truly Irish sense. O'Connell and Sheil delivered most eloquent speeches to the electors. The passions of the people were thoroughly aroused by appeals to their manhood, their religion, their patriotism. As a result, the influence of the priests prevailed, and overcame the power of the landowners; many even of Mr. Fitzgerald's own tenants were induced to vote against him.

Thirty thousand of the peasantry from the surrounding districts bivouacked in the streets of Ennis during the six days' contests. A striking scene took place on one occasion, when a priest was addressing ten thousand persons. Suddenly the whole body knelt down and engaged in silent prayer; the priest had told them that one of his parishioners, who had received money to vote for Fitzgerald, had died suddenly, and he called upon the people to pray to God for the repose of the soul of this misguided man, and for forgiveness of the offence he had committed. In view of expected disturbances, thousands of troops were poured into the district and surrounded the town of Ennis; but there never was the slightest excuse for their being called into action. Never had a contest been conducted more quietly. But there was a deep and concentrated feeling through the county, animated by the exhortations of the priests, and by the great personal influence of O'Connell himself, who was identified with the Catholic cause. As a result, O'Connell was returned on July 5, 1828, as member for the county, by 2054 votes, to 1075 given for Mr. Fitzgerald, or nearly two to one.

The victory was overwhelming, and produced a most profound impression. It was accepted at once as conclusive proof of the revolt of the tenantry of

*Hardly two  
thousand.  
See Peel's  
Memoirs,  
p. 113.*

Ireland, and of the new-born political influence of the priests. It was admitted that in numerous other counties of Ireland the same result must follow, on the same methods and similar exertions. Out of Ulster, the landlords could no longer reckon on their power; their interest was no longer omnipotent. The victory raised the hopes of the Catholics throughout Ireland to a high point, and depressed the party of Protestant Ascendency in a corresponding degree. The power of the Catholic Association was enormously increased. The temper of the people in Ireland was such that the Government was thoroughly alarmed; it felt that practically the whole country was ungovernable. The enthusiasm of the Catholics spread, and even infected the military who were quartered in the country. The soldiers cheered the party processions, and were cheered in return by the people. Lord Anglesey reported to the Government that the forces at his disposal were not wholly to be relied on, and that many of the soldiers were under the influence of the priests.

Peel himself appears to have been impressed at once by the Clare election. Writing on it in his "Memoirs," he says, "It afforded a conclusive proof, not only that the instrument on which the Protestant proprietors had hitherto mainly relied for the maintenance of their political influence, had completely failed them, but that through the combined exertions of the agitator and the priest, or I should say, rather, through the contagious sympathies of a common cause among all classes of Roman Catholics, the instrument of defence and supremacy had been converted into a weapon fatal to the authority of the landlord. . . . The real difficulty was not the violation of the law, but in the novel exercise of constitutional franchises, in the application of powers recognized and protected by the law, the power of speech, the power of meeting, the systematic application of these powers to one definite purpose, viz. the organization of a force which professed to be a moral force, but had for its purpose to encroach, step



by step, on the functions of the regular Government, to paralyze its authority, and to acquire a strength which might ultimately render irresistible the demand for civil equality." \*

In Ulster, Mr. Dawson, the leader of the Protestant party, and the brother-in-law of Mr. Peel, speaking at a dinner in Londonderry, at once admitted that concessions must be made; the Catholic Association, he said, must be conciliated, as it could not now be crushed. The Duke of Wellington, in a private letter to Dr. Curtis, the Catholic Primate of Ireland, who had appealed to him on the perilous state of Ireland, endeavoured to remove the doubts as to the intentions of the Government. "He saw no prospect," he said, "of a settlement of the Catholic question." In the existing state of opinion in England "it was impossible to prevail upon men to consider it dispassionately." If an ultimate arrangement were desired, "it would be better to bury the question for a time in oblivion." This letter got into the hands of the Catholic Association, and was treated by them as an indication that the Government was prepared to yield. It was the occasion of a letter from Lord Anglesey to Dr. Curtis, in which he said that he disagreed with the Duke, that the question should be buried in oblivion. On the contrary, he thought the time was come for concession. For this and other independent actions he was recalled by the Government.

Peel during the same autumn had attended numerous banquets in Lancashire, where he had posed as the champion of the Protestant cause, without saying a word which would indicate a disposition more favourable to the Catholic claims. Not the less, however, the Government was on the point of yielding. Even so stout an opponent to the Catholic cause as Lord Eldon admitted gravely that the game was up, though outwardly he maintained a brave appearance. Writing to his daughter, he said, "As O'Connell will not,

\* Sir Robert Peel's "Memoirs," vol. i. p. 105.

though elected, be allowed to take his seat in the House of Commons unless he will take the oaths . . . his rejection from the Commons may excite rebellion in Ireland. At all events, this business must bring the Roman Catholic question, which has been so often discussed, to a crisis and a conclusion. The nature of that conclusion I don't think likely to be favourable to Protestantism. . . . We shall see whether our present rulers have the courage with which Mr. Pitt would have acted under present circumstances. I don't expect it of them." \*

— What more conclusive proof of the wisdom of the Catholic Association in respect of the Clare election! The impression that the Government meant to yield became generally prevalent in England. The fears of Protestants were consequently aroused, and many meetings were held to protest against concession. In Kent, 20,000 persons met on Pennenden Heath, and passed resolutions against the Catholic claims, in spite of a courageous effort of Mr. Sheil to obtain a hearing. The example was followed in many parts of the country, and there can be little doubt that the Catholic cause was unpopular. On the other side of the Irish Channel the enthusiasm ran even more strongly in the opposite direction. There the Catholic Association was all-powerful. One sign of this, which, strange to say, caused more alarm to the governing classes in Ireland than almost any other symptom, was the total cessation of crime. It seemed that, in the face of the tremendous issues at stake, the people surrendered themselves completely to the discipline of the Catholic Association, laid aside all independent action, and forgot or postponed all private feuds, in order to give

\* "Life of Lord Eldon," vol. iii. p. 54. Eldon was an excellent barometer of the views of the most bigoted section of the Tory party—views then shared in by large and influential classes, perhaps the majority, of Englishmen of his day. The writer has followed Miss Martineau's example (in her "History of England") in quoting from his diary and letters to mark the progress of opinion on Catholic Emancipation.

their best aid to the great cause they all had at heart. Experience has shown that such a mood of the people in Ireland is indicative of deeply stirred passion, and of an irresistible national movement.

The Association exercised its power with great discretion ; it discouraged any demonstrations of force, or any appearance of military organization ; and it warned the Catholics of Ulster against coming into conflict with the Orange Lodges, who on their part were very provocative of attack. Its behests were obeyed, and large bodies of men who had met together in a semi-military organization were disbanded. The Catholics, in fact, had in effect passed out of the hands of the Government ; the Association was responsible for the peace of the country and for the maintenance of law and order. Its leaders very wisely repudiated all idea of a compromise. They broke off relations with the English Catholics, for suggesting their willingness to entertain the question of securities. O'Connell himself did penance in public for having ever listened to a compromise, and for having assented in 1825 to the disfranchisement of the forty-shilling freeholders. " He had long been convinced and ashamed of his error. He would rather die than again agree to give them up." " If any man dare to bring in a Bill for this purpose the people ought to rebel, if they cannot otherwise succeed." " Sooner than give them up, he would go back to the penal code. They formed part of the constitution ; their right was as sacred as that of the king on his throne ; and it would be treason against the people to disfranchise them. He would conceive it just to resist the attempt with force, and in such resistance he would be ready to perish in the field or on the scaffold." The Association passed a resolution " that they would deem any attempt to deprive the forty-shilling freeholders of the franchise as a direct violation of the constitution."

It was under this tension of popular opinion in both countries that Parliament again met on February 5, 1829. Lord Anglesey had been dismissed from the

Lord Lieutenancy of Ireland at the beginning of the year, not five weeks earlier. There could hardly have been stronger indication of the resolution of the Government to resist the Catholic claims, or at all events of their wish so to appear to the public. Yet it is certain that some time before, the Prime Minister and Peel had virtually come to the conclusion that it was necessary to make the concession. Peel immediately, after the session of 1828, had written to the Duke of Wellington expressing his opinion that concession must be made to the Catholic claims, and offering to relinquish office in order that the measure might be proposed by some Minister, who was less adverse to concession than he had been. There was less of evil upon the whole in making a decided effort to settle the Catholic question than in leaving it an open question. At the same time, he expressed a very strong opinion that it would not conduce to the satisfactory adjustment of the question that the charge of it in the House of Commons should be committed to his hands. He was resolved, in resigning, not to do so without placing on record his opinion that the public interests required that the Catholic question should be dealt with. His support would be of more use out of office, in reconciling Protestants to the measure.\* The Duke practically admitted the necessity for dealing with the question; but he could not dispense with the aid of Peel in carrying it, and in overcoming the objections of the King. The Duke, however, was a most unwilling convert, and yielded only to the necessities of the moment. Writing to Peel on September 12, he said, "If I could believe that the Irish nobility and gentry could recover their lost influence and the just influence of property without making concessions, I would not move." In a letter also to Dean Philpotts, who urged him to concede nothing, he wrote, "Parliament will

\* Peel to the Duke of Wellington, August 11, 1828, Sir Robert Peel's "Memoirs," vol. i. p. 181.

not put down the Association ; they will not even put down rebellion, if it should occur, unless concessions be made."

The main difficulty of the Ministers now rested with the King. George IV. was in bad health ; he lived in deep seclusion, and was rarely seen by his Ministers ; he was also so irascible and vacillating, and so little to be depended on from day to day, that the Ministers were greatly embarrassed. The Duke of Wellington worked on his fears. " I do not suggest," he wrote, " an impossible hypothesis to your Majesty when I suggest the possibility (I might state it more strongly) of the Roman Catholic tenantry of Ireland refusing to pay tithes or rents. The clergy and the landlords might have recourse to the law. But how is the law to be enforced ? How can they distrain for rent or tithes upon millions of tenants ? This measure, which will most probably be the first of resistance and rebellion in Ireland, will occasion the ruin of your Majesty's loyal subjects residing in that country, and of many in this, and it must be observed that it will give the rebellious a vast resource of money of which your Majesty's subjects will have been deprived." \* After a long struggle the King consented to allow his Ministers to insert in his message to Parliament the necessary reforms and the concessions they proposed to make. They showed their appreciation of the King's regard for truth, and their reliance in his good faith, by requiring of him that his consent should be in writing.

On the meeting of Parliament, the speech from the throne, after referring to the social disorders in Ireland due to the Catholic agitation, and expressing a determination to put them down, recommended for consideration, whether the civil disabilities of the Catholics should not be removed, consistently with the full and permanent security of the establishments in Church and State. A few days later, Peel resigned

\* " The Duke of Wellington's Despatches and Correspondence," vol. ii. p. 135.

his seat as member for the University of Oxford, and submitted himself again for re-election. It was the strongest admission that could be made of a complete change of policy, of a breach of past promises and of a new departure. He was opposed by Sir Robert Henry Inglis in the interest of the Protestant cause, and, in spite of the active assistance of the Whig party, and of the support of nearly all the professors and most eminent members of the University, he was defeated by a majority of 146. He was speedily returned for the borough of Westbury. Even there, however, he had a very narrow escape from defeat; the Catholic cause was extremely unpopular with the small number of the independent electors of this town; an opposition to him was threatened, and but for the very fortunate chance that the Protestant candidate arrived on the scene too late to be nominated, Peel himself admits that in all probability he would have been defeated.\*

It was as member for the pocket borough of Sir Manasseh Lopes that Peel moved the Catholic Relief Bill. Before, however, this was introduced, the Government, in accordance with the line adopted in the King's speech, proposed a measure for the suppression of the Catholic Association. It was not the first occasion of the exhibition of that mixed policy of coercion and concession which has so frequently been adopted to Ireland since the Union. The course of events leading to this double action has always been the same. The demands of Ireland, made in a constitutional manner and advocated by argument and reason, have been refused and neglected, till patience has been exhausted, and recourse is had to more violent measures—to agitation carried to the point of rebellion, or to outrages and agrarian crime. Parliament then recognizes that concession is necessary; but to appease the public opinion of England, which is wont to be shocked by the excesses of agitation other than its own, it is found

\* See Robert Peel's "Memoirs," vol. i. p. 342.

necessary to accompany or precede remedial measures for Ireland, by coercive measures intended to put down disturbance.

On introducing the Bill for suppressing the Association, Peel said "that it was inconsistent with the exercise of the regular government to allow the continued existence of the Catholic Association. Those who cherished most dearly the hope of seeing a conciliatory arrangement of the Catholic claims speedily carried into effect, must feel that the existence of that Association during the discussions, which were about to take place, would in itself oppose an almost insuperable barrier to the accomplishment of the object they had at heart. The continual discussion of the measures and intentions of the Government in the Association, would render it totally impossible for the legislature to arrive at any satisfactory adjustment of the question." It is difficult in these days to appreciate the force of Peel's arguments. The measure appears to have been proposed rather to save the honour of the Government, to help them with their Protestant supporters in England, by the appearance of firmness, than on account of any serious need for it as regards Ireland. The concession of the Catholic claims would in any case have necessarily dissolved the Catholic Association. To remove the causes of complaint was the only effectual suppression. Apart from them the Association had no existence. It was not a corporation, which could be dealt with by the law; it embodied the people of Ireland, who had shown that their claims could not safely be denied.

The Relief Bill passed both Houses without opposition. It was accepted as part of the arrangement which was to result in the concession of all that was demanded—the removal of Catholic disabilities. The concession was too great to justify quarrelling about the methods. The Government, however, was pressed to explain why it had not suppressed the Association under the Act of 1825. The answer given by the Attorney-

General was significant. "It was a matter," he said, "of extreme difficulty to draw up a Bill of indictment against seven millions of people. Baffled and hampered as the legal officers of the Crown were, the wisest plan was to confess the real truth, that it was a matter of extreme difficulty to frame such an indictment." The Catholic Association, even before the Bill had passed, dissolved itself. Its functions were at an end; its objects were attained. It could retire from the scene with dignity, and with all the prestige of success. It formed a great precedent, which was often to be followed both in England and Ireland. The puny effort of vigour in suppressing it, when conceding nearly all that was asked, in no way detracted from the force of the precedent, and only served to embitter recollections and to swell the triumph.

Peel's speech, on introducing the Catholic Relief Bill, which occupied four hours in delivery, is one of those few Parliamentary speeches, which will bear a long after-reading—which, after the lapse of over fifty years, is still fresh in its interest. It represents the turning-point in a great controversy, an epoch in the liberties of a people, a crisis in the career of a statesman. It affords an interesting study in the psychology of a politician. It is one which no student of modern history, and still less any one engaged in the practical work of politics, should fail to study. It presents many subjects of moment, from which a moral may be drawn for the present time. Peel undertook to vindicate his Government for giving way to demands which they did not approve in principle, and for recommending a measure inconsistent with their former tenets. He pointed out at great length the divided state of opinion on this subject since the beginning of the century; and how successive Cabinets had been almost equally balanced on the Catholic claims; he showed the bad effect of this in paralyzing their action, and in stimulating agitation and disturbance in Ireland. Parliament had also been almost evenly divided in opinion about



it, as illustrated by the close divisions in the House of Commons on the measures which had been yearly proposed ; it was hard to expect Ministers to fight a battle for the cause, when thus feebly supported in the country ; he pointed out that all the younger men of talent who had entered Parliament during the last ten years were ardently in favour of concession.

Peel then recalled the fact that in scarcely a single year, since the Union, had Ireland been governed by the ordinary law ; in almost every year coercive powers had been asked for and granted ; but the country continued in a disturbed state. Would Parliament, with its views on the Catholic question, be willing, at the call of a Government opposed to concession, to press a fresh measure of coercion ? But suppose the Association put down, what would such a Government do with the elective franchise in Ireland ? He showed the progress of opinion in Ireland ; that after the last general election fifty-two of its members had voted for the Catholic claims, and only thirty-two against it. He had been assured that twenty-three Irish counties were prepared to follow the example of County Clare. A Government constituted on the principle of resistance to the Catholics would have the whole or a great majority of the representative and constituent body of Ireland against it. In this case, separated as Ireland was from England, he contended that there would be constituted a moral influence opposed to the local Government, which would render it impossible to carry it on. But a Government united on the principle of resistance might try another remedy. It might retract the privileges they had already granted, and which they found too powerful for their control. No Government would do that. If they did, it would lead to a struggle which, if pushed to its legitimate consequences, must end in a result little short of a reconstruction of the penal laws. They had already gone too far to render such a course practicable. They had removed the seal from the vessel, and suffered

the great spirit to escape. They had no means of conjuring him back again to his former narrow limits. If attempted, how could the Government in Munster, Leinster, and Connaught, where the Catholics were in such overwhelming majority, be carried on? Were they to withdraw trial by jury? If they left that, the re-enactment of the penal code would be useless, for it would be impossible that the laws could be executed fully, as far as the interference of a jury was necessary, when a great body of the people had an interest in defeating them. Could, again, a policy of resistance be maintained in time of war? In 1793, at the outbreak of a war with France, the British Government had been compelled to make concessions to the Catholics. Until he saw a bolder man at the head of affairs than Mr. Pitt, until he saw a more Protestant Parliament than that of 1793, he could not think we should be safe in time of war, with a Government determined on continued resistance. He came to the conclusion, then, that matters could not continue as they were; the evils of divided councils were very great, and a Government must be formed with one common opinion. A united Government must do one of two things: it must either grant further political rights to the Roman Catholics, or recall those already granted. To deprive the Catholics of what they already had would be impossible, or more mischievous than to grant them. No course, therefore, remained but to concede.

Peel then explained his proposals. He would repeal all laws which placed the Catholics on a different footing from Protestants in respect of political rights. He would admit Catholics to Parliament on the same terms with Protestants. He would render Catholics admissible to all corporate offices in Ireland, and to all posts connected with the administration of justice and the civil service, and to all higher offices of State, with the exception of the offices of Regent, of the Lord Chancellors of England and Ireland, and of the Viceroy of Ireland. They would remain excluded from all endow-

ments connected with the universities and schools, and from Church patronage. In the new oath the Catholic member would be called upon to swear allegiance in the usual terms—to disclaim the deposing power of the Pope, and the doctrine that his Holiness had any temporal or civil power, directly or indirectly, within the realm; and solemnly to abjure the intention of subverting the Established Church, and to bind himself not to employ any of his privileges to weaken the Protestant religion or Government.

Turning to the securities to be insisted upon, he condemned the proposal for a veto in the Crown on the appointment of Catholic bishops. It would be considered as the commencement of a qualified establishment as regards the Catholic Church. He equally rejected the proposal to endow the clergy of that Church. It would necessitate negotiations and compact with the See of Rome, which was incompatible with the dignity and independence of England, and would be a measure, more repugnant to the feelings and principles of this country, than any other proposal which could be devised. On the other hand, he thought it necessary to do something to free the elections in Ireland from that absolute control, which late experience had shown could always be exercised by the influence of the Catholic clergy on the poorer voters. With that object he proposed to diminish the number and increase the respectability of the voters. The forty-shilling freeholders had been manufactured by the landlords themselves, for no other purpose than to create votes, which should be at their absolute disposal. The instrument they had created had now passed into other and more energetic hands; it was wielded against themselves by a power to which, from its nature, they could oppose no successful resistance. They could not regain possession of the instrument; it must therefore be destroyed. He proposed to raise the qualifications of the freehold franchise from forty shillings to an annual value of £10. The two measures were to go together, and to support

one another. It was also proposed to prohibit the display of insignia of office in any place of worship other than those of the Established Church; and to forbid the use of Episcopal titles by the Catholic clergy. These and a few other similar restrictions were the securities offered.

On the question so far as it affected his own personal position, Peel also spoke at length, and gave some interesting information then unknown to the public. He referred to his offers, in 1826 to Lord Liverpool, and again in 1828 to the Duke of Wellington, to retire from office, in order that measures for Catholic Relief might be carried by those who believed in them. In the latter case he was told that his retirement would prevent the adoption of the course which he recommended. He resolved, therefore, not to abandon his post, but to take all the personal consequences of originating and enforcing, as a Minister, the very measures which he had heretofore opposed. He concluded with the generous words, "The credit of this measure is not mine. It belongs to Mr. Fox, to Mr. Sheridan, to Mr. Grattan, and to an illustrious and Right Honourable friend of mine, now no more (Mr. Canning)."

On the point of personal honour no one can doubt that Peel's justification was complete. It is impossible to cast a doubt on the sincerity of his motives, and the honesty of his intentions, in remaining in office for the purpose of carrying a measure he had so long opposed. Looking, however, critically at the speech, few can fail to be struck with its general tone of personal vindication and of political expediency. The defence of the measure was based on no lofty grounds. There is not a single word to be found, in the whole of the four hours' speech, of sympathy for the many millions of people, on whom he was about to confer the highest political privileges. The speech was addressed to the Protestants of England, and not to the Catholics of Ireland. It virtually amounted to this, that if he were

assured of a more hearty support in England, sufficient to enable him to oppose, with more confidence of success, he would even then have resisted. It was an admission of failure; a concession to agitation and menace and force, which he would have met with all the power of England, if public opinion had been strong enough to support him. How different in tone from another great speech made nearly twenty years later, when he surrendered, a second time in his political life, a principle which he had contended for through long years, and at the head and instance of a great party! He then spoke with all the force of conviction; he had been converted by circumstances, by experience, by argument, to the truth of the great principles on which Free Trade was founded; and his speech on giving way is to this day a masterpiece of reasoning in favour of it. On Catholic Emancipation there was no such conviction. It is impossible not to read between the lines of his speech the old prejudice, and the real opinions of the statesman, who had begun life as the advocate of the party of Protestant Ascendancy in Ireland. There was no reference to the fact that the Union had only been carried by the expectations held out to the Catholics, that their claims would be conceded; that faith had not been kept with them; that for twenty-nine years, almost two generations, the Catholics had been deprived of rights which were their due. How different would have been the tone of Fox, or of Canning, if either of them had been in a position to propose such a measure! They would have struck a chord in the hearts of the Irish people, which would have done as much as the Bill itself, to evoke content and harmony.

In Peel's speech not a gleam of such sympathy showed itself. The tone of the Duke of Wellington in the Lords was even worse. He defended the measure on the sole ground of fear of civil war, and the impossibility of governing Ireland under the existing state of things. He surrendered at discretion to the Catholic

Association. "It was quite true," he said, "that Ireland had been disturbed for many years; but circumstances of peculiar aggravation had occurred within the last year or two. Government knew, although not possessed of legal evidence of the fact, that there existed a general organization of the people for purposes of mischief—showing itself by simultaneous meetings in different quarters, attending the footsteps of gentlemen sent from the Catholic Association, and manifesting the influence of a superior source of authority. That organization had produced a state of society which aggravated the previously existing evils of Ireland. In two instances towns had been attacked during the night by armed bodies of men. The Catholic Association had deliberated on the propriety of putting an end to all dealings with Protestants; and who doubted but that, if they had adopted that resolution, they would have been able to carry it through, and even to dissuade the people from fulfilling contracts into which they have entered with Protestants? In such a state of society, trial by jury could no longer be used in the administration of the law. The King's prerogative also was touched. He could not create a peer, for such an act would have produced an election; while an election in the state of the country was almost sure to end in bloodshed—might occasion a civil war, and, at the best, could only be new triumph for the Catholic Association. It was not fair to say that all this arose from the laws not being executed. There was no tangible violation of the law; there was no resistance. No troops were employed, because no instance occurred in which the laws could not be enforced in the usual manner. In a case which extended over the whole country, it was impossible to have magistrates at every spot, and ready at every hour to put an end to proceedings so outrageous and disgraceful."

It appeared, he said, clearly that neither the form of the power, nor the means possessed by the Govern-

ment, were sufficient to extirpate such a state of things; that they must come to Parliament, and that without concession nothing could be effected. This state of things, bordering upon civil war, attended by all the evils of civil war, which had been endured the last year and a half, might have continued much longer to disgrace the country and the Government. Those at the head of the movement knew that they could not offer effective resistance to the King's Government; they knew that they would themselves be the first victims of any collision, and they would, therefore, take very good care to avoid it. This state of things might be prolonged for several years without the Government having an opportunity offered them of effectually putting it down. But even if such an opportunity had been presented, he would have thought it his duty to correct it by other means than force.

The Duke then adverted, in a well-known and oft-quoted passage, to his own experience of war. "If I could avoid, by any sacrifice whatever, even one month of civil war in the country to which I am attached, I would sacrifice my life in order to do it. If civil war be so bad," he added, "when occasioned by resistance to Government, how much more necessary is it to avoid a civil war, in which, in order to put down one portion, it would be necessary to arm and excite the other? Such must have been the result had we attempted to terminate the state of things to which I have referred otherwise than by conciliation." Lord Anglesey enforced the Duke's arguments by stating that, if England should be again at war, seventy thousand men would hardly suffice for the defence of Ireland, in the present state of its Catholic population.

The principal Bill encountered much opposition in the country. The House of Commons was flooded with petitions against it; but there were no leaders of note prepared to support the attack upon it. The one Minister true to his old prejudices, Sir Charles Wetherell, the Attorney-General, who spoke against

it, was immediately dismissed from his office. The Bill passed a second reading in the Commons by a majority of 173,\* and in the Lords by a majority of 105,† the bishops taking an active part against it.

The Disfranchisement Bill also passed without difficulty. The case, indeed, of the forty-shilling freeholders was a hard one. They had, almost wholly, come into existence since the Irish Act of 1793 had conceded the franchise to the Catholics. Many landlords, eager to obtain as much political influence as possible, had subdivided their properties, and let them in very small holdings to a vast number of tenants, to whom they gave leases for life, or for a long term, such as to entitle them at law to the franchise as freeholders. It was only however in a technical sense that they were freeholders; substantially they were tenants at a rack-rent; and by keeping a hanging gale over them, that is, by allowing the rent to be always in arrear, the landlords could, by threatening to compel them to pay up, retain their influence over them, almost as much as if they had been yearly tenants. Till the year 1826, these so-called freeholders never were free agents in a political sense; they invariably voted with their landlords. They were practically considered, said Mr. Stanley in 1834, as live stock on the estates. It was stated in evidence, before the committee of 1825, that they were often driven at election time to the county town, with long whips, and were locked up till they had given their votes for their landlords' nominee. In 1826, for the first time, at the instance of the Catholic Association and their priests, many of them had revolted, and shown their independence by voting against their landlords' candidates, in such elections as those of Waterford and Louth. Thence arose alarm on the part of their landlords, and a desire to disfranchise them; and it was suggested that, as other securities for facilitating

\* Division—For the second reading, 353; against, 180.

† Division—For the second reading, 217; against, 112.



the passing of a Catholic Relief measure had failed, it would be well to extinguish these voters, who could no longer be relied upon. The Clare election still further confirmed this view of the Protestant landlords.

Peel made no secret of his political object in making the proposal to reduce this class of voters. They had passed, he showed, from the influence of the landlords to that of the priests; they were, therefore, dangerous, and must be suppressed, although it was admitted that no corruption, and no misuse of their voting power could be brought against them. The measure for their disfranchisement, in spite of the strong case that could be made for them, was treated as part of the compromise offered by the Government. Strong protests were, indeed, made against it. But even Brougham consented to it, "as the price—the almost extravagant price—of the inestimable good which would result from the main Bill." Sir James Mackintosh described it as one of those tough morsels which he had been scarcely able to swallow. Palmerston and Huskisson opposed it resolutely; but on a division there were only seventeen members in the lobby against it. O'Connell, who had been so ready to express his disapproval on the platform in Dublin and Clare, and who had announced his willingness to perish in the field, or on the scaffold, rather than submit to it, does not appear to have used much effort with his friends in the House of Commons, to induce them to oppose it. He has been severely blamed for this. It should be recollected, however, that he was in no sense a party to the compromise; he had not been consulted by the Government; he had very little influence with the Whigs at that time; he may have felt his impotence to effect any change in this respect, and have thought it was best to take what he could get, and trust to future efforts to undo the mischief.

O'Connell had come over from Ireland at the beginning of the session. When he learned the determination of the Government to deal with the Catholic

question, he delayed presenting himself to the House of Commons, lest he should embarrass the Government. His conduct did not meet with any reciprocal consideration. When the Catholic Relief Act had become law, he presented himself at the table of the House, and asked to be allowed to take the new oath. The clerk presented to him the old oath. It appeared that the Act was drawn, and purposely drawn, so as to exclude him from its relief; it applied only to members elected after it had come into effect. O'Connell was heard at the bar of the House on his claim to take the new oath, and a motion was then made by Brougham to allow his claim; but after a long debate the House decided in the negative by 190 to 116. Mr. Peel took part in the discussion, and denied that there was any hardship in O'Connell's position. Being a Roman Catholic at the time he was elected member for Clare, he was disqualified by the then existing law; and he well knew, when he was returned, that such was the law; there was nothing unjust, therefore, in telling him that as he was elected under the former law, by that law he must abide, and that by it he was excluded from sitting in the House.

There was a great want of generosity in this action of the Government; a still greater lack of appreciation of the mode in which to approach and conciliate a people, for whom a great measure was being carried. O'Connell was touched to the quick, and was deeply wounded by this insult to him. The carrying of the Catholic Relief Act was his triumph. It was due to his efforts, his agitation, his influence, that the Irish people had won their cause. To be repulsed by the House of Commons at this moment, when, by the alteration of a word in the Act, he could have been received into the House, was a humiliation, which was felt equally by himself and by every Catholic throughout the world. Peel has stated, in his memoirs, that this action of his Government in refusing to give the benefit of the Relief Act to O'Connell was not due to

paltry jealousy or to personal pique, as had been imputed to him, but that it was a deliberate act, determined on in the belief that it was important to the ultimate success of their measure, in view of the hostility of the King, of the Church, and of a majority, as he believed, of the people of England.\* In other words, it was necessary to humiliate the great Irish leader, in order to conciliate these various elements of hostility to the Catholic cause.

It does not appear that in the preparation of the Catholic Relief Bill, or in the course of the long discussions upon it, any communication, direct or indirect, took place between the Ministers and O'Connell. The Catholics, therefore, were no parties to the arrangement. It was not a compromise which in any way bound them. They were held at arm's-length. Their claims were conceded, not to the force of argument, or as a matter of right and justice, but simply and solely to the political exigencies of the moment—to the threats of force, to the fear of rebellion, to the impossibility of governing Ireland, in the presence of the Catholic Association, and in view of the opinion of its electorate, as shown by the Clare election; and to the divided state of the House of Commons, making the position of successive Ministries most unstable, and paralyzing their powers in every department of government. The measure was also conceded with as little grace as possible, and was accompanied by securities and conditions humiliating to Ireland, and of no permanent value to the cause they were intended to protect. This was mainly due to the fact that the measure was carried by those who disbelieved in its principle, and who would have continued to refuse it if they had the force of the country to support them, and not by those who had long advocated the concession on the grounds of justice and policy.

Peel acted rightly when, in 1828, he offered to

\* Sir Robert Peel's "Memoirs," vol. i. p. 307.

resign office in order that the concessions to the Catholics might be carried by those who had not, like himself, been always opposed to them. Not only does the sudden conversion of leading statesmen to a policy, they have for long years opposed, cause a great wrench in the confidence of the public in its political leaders, but it is also, as a rule, of the highest importance that great measures should be in the charge of those who believe in them, and not of those who have spent their lives in conscientiously opposing them.\* Peel himself thoroughly and rightly appreciated this; in his letter to the Duke of Wellington, in August, 1828, in which he had expressed his opinion that the Catholic question should be settled, he had said, "I have been too deeply committed on the question—have expressed too strong opinions in respect to it, too much jealousy and distrust of the Roman Catholics, too much apprehension as to the immediate and remote consequence of yielding to their claims—to make it advantageous for the King's service that I should be the individual to originate the measure. It may be right to decline negotiation or consultation with the Roman Catholics, but the more you can conciliate them by the *mode* of proposing the measure the better; the more of goodwill and of satisfaction that you can extract from it the greater is the prospect that the adjustment will be a permanent one. The very same measures—whether of concession to the Roman Catholics or of security to the Protestants—proposed by one who has taken so decided a part

\* The late Lord Shaftesbury wrote as follows on this subject :—  
"I thought then, and I have never had reason to alter my opinion, that, good as the Catholic Relief Bill was, Wellington and Peel were not the proper men to carry it. They held office on it, instead of handing it over to those who had been its advocates. They should have boldly said to the Crown, 'It is a measure that must be passed, but it should be passed by those who agree with it. We are not the men to do it.' And I have often thought in subsequent years that their action inflicted such a deadly blow on confidence in public men that there had never since been a complete recovery."—"Life of Lord Shaftesbury," vol. i. p. 86.

in opposition to the question as I have, would be regarded in a very different light by the Roman Catholics, from that in which such measures would appear to them, if proposed by a person less adverse to concession than I have been."\* It is evident from this that he was persuaded against his better judgment, to remain in office, and to co-operate with the Duke of Wellington in carrying this great measure. He was influenced mainly by the difficulty of obtaining the consent of the King. "I tell you fairly," wrote the Duke, "that I do not see the smallest chance of getting the better of these difficulties if you should not remain in office. Even if I should be able to obtain the King's consent to enter upon the course, which it is almost certain I shall not, if I should not have your assistance in office, the difficulties in Parliament will be augmented ten-fold in consequence of your secession, while the means of getting the better of them will be diminished in the same proportion."†

Peel concludes his defence by saying that he was firmly convinced that if the Duke of Wellington should fail in procuring the King's consent to the measure, no other public man would succeed, or would prevail with the opposition to be expected in the House of Commons. It was due, then, to the obstinacy of the King that this measure was carried in a manner which made it as little acceptable as possible.

Looking back at the long struggle for the Catholic cause since the Act of Union, extending over more than a generation, few can fail to be impressed by a sense of the great wrong that was done to Ireland, by not making Catholic Emancipation a condition of the Union. It is difficult to believe that Mr. Pitt could not have persuaded the King to give way by refusing to be a party to carrying the Union without Emancipation. By separating them, and by deferring

\* Sir Robert Peel's "Memoirs," vol. i. p. 285.

† Ibid., vol. i. p. 295.

the Catholic claims, while he carried the Union, Pitt gave the opportunity to the King to insist on his scruples, and to break faith with the Irish people. He referred the Catholic question also to English and Scotch opinion, which was notoriously adverse to it. There was no time during the interval when the English constituencies, if appealed to on the subject, would not have given their verdict against concession, and in so doing, have overridden the opinions of the great majority of the Irish. Even at the close of the contest, it is doubtful whether, on appeal to the constituencies, the question would have been carried.

Twenty-nine years had now elapsed since the Act of Union. What had Ireland gained by the Act? What had been the effect of it on English politics? So far as Ireland was concerned, it was impossible for any one to point out a single advantage which had accrued to its people. The country had been in a disturbed and distracted condition ever since. It had been impossible during almost any two consecutive years to govern it by the ordinary law. Every year, with rare exceptions, brought the demand on Parliament for coercive laws for Ireland, differing only in method and degree. The most common forms were the suppression of trial by jury, the suspension of the Habeas Corpus Act, the prohibition of public meetings, and of the right to carry arms; but occasionally there was added the provision of martial law, and the curfew clauses. No attempt had been made to apply remedial measures to the country. The grievances which the people suffered under the tithe system were allowed to pass unchecked. No proposal was made to interfere with the arbitrary power of landlords; on the contrary, the Acts of 1815 and 1817 greatly increased the powers of landlords, and facilitated ejectment. During the interval, also, the taxes in Ireland had been nearly trebled in amount, without equivalent benefit to the English Exchequer, and without adding materially to the resources and power of the empire. Previous to the Union, the

Irish Parliament had rarely voted more than 12,000 men for the army; subsequent to it, the force maintained in Ireland, during the war with France, was increased to 40,000, and after the peace was never less than 25,000 men.

During the same period the Irish Government was carried on under the old principle of Protestant Ascendancy; nothing was done to give practical effect to the remedial legislation of the Irish Parliament in 1793. All avenues to public offices, or to municipal government, were closed to the Catholics. The magistracy was exclusively appointed from Protestants. The Acts of 1793 might as well have remained in force, for any practical results to them. Catholics were habitually excluded from juries. The people were shown that Parliament and the Government of England would not listen to any claims put forward in a constitutional way. It was due to O'Connell, and to him almost alone, that a method was discovered of forcing the hand of the British Government and Parliament. It was by his indomitable courage and perseverance, by his fervid eloquence, and appeals to popular sympathies, that the road to success was pointed out. He alone had conceived the plan of organizing the people of Ireland in a manner which would make it impossible to refuse their demands, and had induced the priests to take a part in politics, and lead their flocks in a political campaign.

Two results, therefore, of great import, and of lasting effect on Irish politics, accrued from the broken promises of Pitt and the long delay in the concession of the Catholic claims; the one was that the Irish people were taught that agitation and civil disturbance, verging on civil war, would alone succeed in inducing the Imperial Parliament to give way to their claims; and the other was the introduction into politics of the Catholic priests in supersession of the landlords. The destruction of the landlords' power, and the substitution for it of that of the priests', was the main

result of the agitation for Catholic Emancipation. The landlords have never recovered their position. The priests have continually advanced in influence. Even these results might have been modified if the Catholic measure had been dealt with in a different spirit and conceded with a better grace. Everything, however, was done to make it as little a healing measure as possible. The suppression of the Catholic Association was needless and impolitic in the highest degree. The disfranchisement of the forty-shilling freeholders was equally unwise; it was avowedly for the purpose of preventing the Catholics obtaining political power, and securing representation in the British Parliament in proportion to their numbers. It made an invidious distinction between Ireland and England, and reduced the constituencies of Irish counties to the most meagre proportions. The measure was not only a grave political mistake, it was also a failure. The county constituencies, even thus reduced, were still largely composed of Catholics; the influence of the priests was not much diminished; and it will be seen that the representation of Ireland was greatly changed. The sense of injustice resulting from the Act was one of the causes of this. Not less unwise also was the personal treatment of O'Connell already referred to.

What, again, was the effect of the Act of Union on English politics? A retrospect will show results equally unfortunate. The Catholic question was the rock on which successive Ministries were driven and wrecked; and for years it excluded the ablest and best of statesmen from the Government. Apart from Ireland and the Union there would have been no Catholic question in Great Britain, or at most it would have been one of little importance. It was only in connection with Ireland that it assumed the highest importance among State questions. Mr. Pitt resigned in 1801, because he could not persuade the King to assent to the Catholic claims; with him went the ablest of his colleagues—Lord Grenville, Lord Spencer (who had



organized the fleets which won for England the battles of Camperdown and the Nile), Mr. Wyndham, and Mr. Dundas; and for three years the government of the country was carried on by the incapable Ministry of Mr. Addington. In 1807 Lord Grenville and Lord Howick—the successors of Fox—were dismissed by the King for refusing to sign an undertaking that they would not under any circumstances bring forward the Catholic question. In 1812, on the death of Mr. Perceval, Lord Liverpool was unable to obtain the co-operation of Lord Wellesley and Mr. Canning in forming a Ministry because they held that the Catholic question must be dealt with. For the same reason, Lord Grenville and Lord Grey were unable to form a Ministry with Lord Moira; and finally Lord Liverpool was compelled to return to office with a Ministry of Eldons, Sidmouths, and Bathursts. On the death of Lord Liverpool, the Duke of Wellington and Mr. Peel refused to serve under Mr. Canning, because of their grave differences with him on the Catholic question. These instances include nearly all the Ministerial changes within the period; they show the unfortunate effect of the intrusion of a purely Irish question.

## PART II.

### WHIG REFORMS.

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#### CHAPTER I.

O'CONNELL returned to Ireland, after the refusal of the House of Commons to allow him to take the oath, prescribed by the Catholic Relief Act, with his mind embittered against the Government, and with a deep sense of mortification. He felt especially indignant with Peel, to whom he attributed personal hostility. Catholic Emancipation, the main object, thus far, of his political life, had been secured, but only by an agitation, carried to the very verge of rebellion. It had been accompanied by securities and conditions, hateful and humiliating to Ireland, and by indignities to himself. The lesson had been taught that the proudest Government would yield to menace. O'Connell felt under no obligation whatever to the Government or to Parliament to treat the measure as a final compromise with his country. He issued an address to the electors of Clare, asking for re-election. "In my person," he said, "the county of Clare has been insulted. To you is due the honour of having converted Peel and conquered Wellington. . . . Another victory in Clare is necessary to defeat the insidious policy of the Ministers, who, false to their own party, can never be true to us, and who have not yielded to reason, but to

necessity, in granting us freedom of conscience." His address included originally a passage announcing his intention to commence an agitation for repeal of the Union, but on the suggestion of Lord Anglesey, to whom he submitted it, this was struck out. He pledged himself, however, to obtain a repeal of the securities contained in the Relief Act, and especially of the Disfranchisement clauses, which, he said, were a direct violation of the Act of Union. On his way to the county Clare for re-election, he was received at Dublin with acclamation by vast multitudes of people; a sum of £50,000 was raised by subscription as a public offering to him; £5000 was voted by the Catholic Association for the expense of his second election. His journey to Ennis was one long triumphal progress. Peel had hurried a Registration Bill through Parliament, in the hopes that the disfranchisement of the forty-shilling freeholders would prevent his re-election. In spite of this, O'Connell was returned without opposition on July 30. The only attempt at opposition came, singularly enough, from Mr. Smith O'Brien, who bitterly attacked him. In his speeches at Ennis, Youghal, and other places, he raised again the subject of repeal of the Union. On his return to Dublin he determined to reopen this question, and to press it on by the same means he had adopted in the Catholic cause. He founded a new association, of which this was to be the object. The Lord Lieutenant at once suppressed it, under the power conferred on him by the recent temporary Act. A second and a third time O'Connell returned to the charge, starting new associations with altered names, but only to see them immediately suppressed by the Government.

On the meeting of Parliament in 1830, O'Connell crossed the Channel, and took his seat, as the first Catholic member from Ireland, in the Imperial Parliament. He was at this time close on the age of fifty-five, an age at which very few men have begun Parliamentary life with any success. In his case it

was but the commencement of a new and perhaps the most active and brilliant part of his life. His success as a speaker and leader in the House of Commons was never in doubt. For the next ten years he was one of its most active and conspicuous members, leading a small band of Irish members, of whom Mr. Sheil alone was able to give him effective aid. One of his first efforts in the House was to introduce a Bill for conferring votes on every taxpayer, and for introducing the ballot and triennial Parliaments. The first of these proposals was denounced at the time as a scheme of universal suffrage. It was, in fact, more nearly approaching to household suffrage, such as has since been adopted. He was in advance of other reformers on these subjects. He only obtained the support of seventeen members, though Lord Althorp pronounced himself as not adverse to the ballot and triennial Parliaments.

The death of William IV. occurred in June, and, in accordance with the constitutional rule, Parliament was dissolved. In the general election which followed, the Government found that its surrender on the Catholic question had greatly weakened it. It was abandoned by many of its most earnest supporters. Mr. Croker, the Secretary to the Admiralty, was rejected by the University of Dublin for his vote on this question; and no member of the Government succeeded in being returned for any large or independent constituency. The result of the elections was very unfavourable to the Ministry. The counties gave a majority against them of three to one; from the larger towns, represented then by twenty-eight members, only three supporters of the Government were returned. Its strength lay wholly in the smaller constituencies, and in the pocket boroughs. The question most discussed in the English and Scotch elections was the reform of Parliament, but the popular feeling in favour of this measure had not yet reached fever heat. In Ireland the question of repeal of the

Union was not generally mooted on the hustings; a considerable number of Catholics were returned, but they were not called upon to pledge themselves on this point. The abolition of tithes, the reform of the Irish administration, and the condition of the Church Establishment, were the main topics before the Irish electors. They returned a large majority against the Government.

When the new Parliament met, it was found at once, that the Tory party was in a minority, and, as often happens, the Government encountered an early defeat, on a question of no great political importance, but which was sufficient to prove that it had not the confidence of the House of Commons. It was beaten by a majority of twenty-nine on a motion for a committee to inquire into the civil list. The Duke of Wellington determined to resign at once, without anticipating the result of a division on a motion for reform, of which Mr. Brougham had given early notice, and which would certainly have been carried. A new Ministry was formed, with Earl Grey as Premier. It was an unusually strong cast:—Lord Althorp, Lord John Russell, Sir James Graham, Lord Palmerston, and Mr. Stanley, in the House of Commons; Lord Brougham as Chancellor, Lord Melbourne as Home Secretary, and the Duke of Richmond, in the House of Lords. Lord Anglesey was again sent as Lord Lieutenant to Ireland, and Mr. Stanley became his Chief Secretary, but was not in the Cabinet.

The formation, for the first time, after nearly thirty years of Tory rule, of a really Liberal Government, following upon the recent concession of Catholic Emancipation, offered a new opportunity,—the second within the century,—of dealing with Ireland in a manner which might reconcile public opinion there to the Union, and effect a real alliance between the two countries. The Catholic Relief Act alone, was wholly insufficient for this purpose; the application of its

principle to the administration of the country was most essential for the good government and contentment of Ireland. Roman Catholics were now eligible as members of Parliament, and a considerable number of them had already been elected. The introduction of this element made it the more necessary for the Government to consider carefully how the administration of Ireland could be brought into harmony with the new principle of religious equality, and what other reforms were needed. It has already been shown that even the repeal of the penal clauses against Catholics, in 1793, had been as yet without substantial result. In law restrictions were removed, but in practice they were still enforced. The whole of the Irish administration was conducted on the principle of Protestant Ascendancy. During the interval which had elapsed between the passing of the Catholic Relief Act and the resignation of the Tory Government, nothing had been done to indicate the desire or the intention of Ministers to make a change, or to apply in practice the principle of equality, on which their great measure was based. Mr. Sheil, indeed, and two or three other Catholic lawyers, were raised to the position of King's Counsel, from which, under previous practice, they had been so unjustly excluded. But O'Connell, whose position at the Bar was far higher, and to whom the exclusion had long been a serious professional loss, was, by the express intervention of the King, refused this distinction, to the indignation of Ireland and his own great annoyance.

It was urgently necessary that the new Government should address itself to the administration of Ireland, and should inaugurate a new policy. The tithe question, the Church Establishment question, the tenure of land, the reform of corporations, and numerous other subjects, were of pressing importance. From the point of view also of party politics, consideration was due to Ireland, and especially to the Catholic

party. It was by the votes of their representatives that the late Government had been defeated, and that Lord Grey's Government was brought into power. It was by their support only, that the new Government could hope to carry its Reform Bill through the House of Commons. This section of the Liberal party had, therefore, a right to expect some favour, and to demand some part for Ireland in the new programme which was to be proposed. Looking at what subsequently took place under Lord Melbourne's Government, when the Irish party had endured three years of studied neglect by the more purely Whig Government of Lord Grey, it was quite possible for the new Government to come to very reasonable terms with O'Connell, and through him with the Irish party; and there can be little doubt that, if this course had been taken, Ireland would have been conciliated. This rare opportunity was thrown away. Lord Anglesey was given *carte blanche* by Lord Grey as regards Irish appointments. In a conference with O'Connell in London, before leaving for his new post, he announced his intention to make no change in the *personnel* of the Irish Government. Plunket, indeed, whose claims could not be overlooked, was made Lord Chancellor, but the Tory law officers were to be retained. This was rightly interpreted by O'Connell to mean, that the old system of administration in Ireland was to be continued, and that no change of policy was intended. He was most indignant, and plainly intimated to the Lord Lieutenant that it would necessarily involve his putting himself in opposition to the Government. Lord Anglesey was unwilling to come to any terms with the Irish leader, and was resolved to resist his demands. As a result, the Viceroy soon found himself in Ireland in antagonism to the popular party, and all the popularity which he had acquired, on his recall by the Duke of Wellington, in 1829, was speedily lost.

But more unpopular than the Lord Lieutenant was

his Chief Secretary. Mr. Stanley, who afterwards, as Lord Derby, became one of the most famous of Tory leaders, was then an eminent member of the Whig party, an eager and passionate advocate of the reform of Parliament. He was unquestionably one of the ablest and most eloquent members of the Government, a most skilful and powerful debater, with a caustic and bitter tongue, fearless of his words, and loving the keen encounter with a foe worthy of his steel. He had, however, no sympathy with the Irish people, he had no appreciation of their wants, he had no remedies to suggest. He carried with him to Ireland the prejudices of an English landowner, whose family was largely interested in Irish property, though not resident there. He soon brought the Government into fierce opposition with O'Connell. They hated one another with all the bitterness of natures thoroughly antagonistic, and without a single principle in common. They were fairly matched in Parliamentary ability, in ready attack and defence, and in command of abusive language. Stanley had the finer rapier; he had advantage of speaking in an assembly, of whose members, nineteen out of twenty, were in thorough agreement with him, and who lustily cheered every bitter repartee and every scornful attack on the Irish. O'Connell spoke to an unfriendly audience; but his native vigour and his long forensic experience stood him in good stead. His retorts on Stanley seldom failed to hit their mark, or to intensify the feeling of hate between them.

Stanley was not, at the commencement of the Government, in the Cabinet. Lord Melbourne, the Home Secretary, represented Ireland there, and should properly have directed the Irish policy, and have controlled the actions of the Lord Lieutenant and Chief Secretary; but Lord Melbourne, though a statesman of enlightened views, who on Irish affairs fully appreciated the necessity of conciliating the national party, and of reversing the principles of the Castle ad-



ministration, of which he had had himself experience as Chief Secretary, was by nature indolent, and, while conscious of the mistaken policy, which was being pursued, had not energy enough to withstand it.\* Stanley had the ear of the Prime Minister, and practically decided Irish questions. Under his, and Lord Anglesey's auspices, the new Government entirely neglected to propose any reforms for Ireland, and made no change whatever in the methods of its administration. They carried on, without any break, the policy of the Tory Government, by means of Tory agents, whom they retained in office. They showed plainly that they were bent on governing Ireland by the old traditions of Protestant Ascendancy, without any concession to the altered circumstances of the day, or to the acceptance by the country of a new principle in the Catholic Relief Act of the previous year. Nothing could be more unfortunate for Ireland, or more injurious to its future relations to Great Britain. The only practical effect thus far of the Relief Act, was the multiplication of evictions resulting from the disfranchisement of the forty-shilling freeholders, who, now that they were no longer wanted by the landlords for political purposes, were considered an encumbrance on the land.

The autumn of 1830 had been attended by a bad harvest, and by a failure of the potato crop, which speedily reduced the population in the south and west of Ireland to a condition of terrible want and suffering. "The peasantry," says a contemporary account, "set up their own uncontrolled law of force ; they banded themselves, in large bodies as well as in small, to enforce

\* Mr. McCullagh Torrens, in his "Life of Lord Melbourne," gives an excellent saying of this cynical but unprejudiced statesman. Speaking later, when some reforms were attempted for Ireland, he said, "It is too bad that when the right thing was done, it was done so tardily and insincerely, as to falsify every reasonable anticipation, and to realize every evil augury. What all the wise men pronounced, has not happened ; what all the damned fools said would happen, has happened."—Vol. i. p. 364.

it ; and, to gain their ends, they shrunk from no deed of blood, whether perpetrated in more open riot or by private assassination. They directed themselves against the tithes of the Church, and the rents and property of the laity. Marching armed to the residences of the clergy, they compelled them to reduce the legal rate of the tithes, or to abandon them altogether. Vengeance was denounced by all manner of threatening notices, not only against the persons who should exact, but against the farmers who should pay it ; and the menaces were carried into execution by murder, rapine, and arson. . . . The peasantry marched in bands, demanding reduction of rents and increase of wages, threatening desolation to the magistrates and gentry who should disobey or endeavour to resist. In some instances they called on the proprietors, at the peril of their lives and property, to meet at a certain time, to make regulations in accordance with their commands. In others they deterred tenants of the refractory proprietor from proceeding with their agricultural operations. In others they insisted that no mode of agriculture should be used but that which should employ the greatest number of hands, such as spade husbandry. . . . In the country, as well as in the large towns, crowds were famishing from want of food, and sinking into bodily sickness from want of clothing during the inclemency of the winter. In only two baronies of the county of Mayo, there were stated to be upwards of twenty thousand persons without any visible means of procuring food. The potato crop had failed all along the western coast, and it was estimated that in that district of the island there would almost immediately be at least two hundred thousand persons in want of food, or the means of obtaining it. . . . The rustic agitators, nursed in ignorance, and often rendered desperate by want, demanded the abolition of tithes, the reduction of rents, the increase of wages ; the Dublin agitators, blessed with education, held up tithes as a cruel persecution, and landlords as tyrannical,

hard-hearted oppressors, and demanded in effect that in their own hands should be deposited all the powers of Government." \*

Looked at by the light of more recent experience and knowledge, this lawlessness, however much to be deplored, should not have been wondered at. The incidence of tithes, it has since been discovered, was harsh and unjust; the powers of landlords, in respect of rent and evictions, were arbitrary, and in many cases were exercised without consideration, and even with cruelty. The absence of any legal provision in Ireland for the relief of the poor, and the difficulties caused to farmers by the fall of prices, and the depreciation of the currency, contributed to the general distress. No remedies were proposed by the Government. The Ministers contented themselves with applying to Parliament for a vote of £50,000, to be advanced by way of loan to the distressed districts, and to be expended in making roads, for the employment of the people. They attributed the disorders to the political agitation of O'Connell, and did their best to put this down. It was announced that the trades of Dublin would march in procession through the city on a given day in honour of O'Connell. The Lord Lieutenant, under the powers of the Act of the previous year, issued a proclamation prohibiting the procession, on the ground that "it was calculated to lead to a disturbance of the public peace, and that language of a highly inflammatory character had been used by some of the persons who had signified their intention to attend." A great open-air meeting was immediately held to protest against this action of the Government. O'Connell attended and addressed the people; he advised them to obey the proclamation; he assured them that the repeal of the Union was inevitable. "At one time," he said, "Catholic Emancipation was far more hopeless in appearance than is now repeal. However, the united force of a class achieved

\* "Annual Register," 1831, p. 300.

the one measure; the united force of a people will achieve the other. By force I mean the force of opinion, the force of reason, the force of justice; physical force we abhor and abjure. By agitation Ireland has obtained civil and religious liberty; by agitation we have escaped increased taxation; by agitation we have prevented the abolition of the viceroyalty; and by agitation we will obtain the repeal of the Union. If the people continue to follow my advice, I promise them to have established, before three months, some club or society in Dublin as will make the English Government restore us our rights." It was arranged that in place of the intended procession two deputies from each trade should march to O'Connell's house, and there present him with an address.

O'Connell then formed a new association "for the prevention of unlawful meetings, and for the protection and exercise of the sacred right of petitioning for the redress of grievances." This association was proclaimed by Lord Anglesey. O'Connell then met some of his leading friends, denounced the proclamation, and proposed that he alone should be declared to be in his own person an Irish Association, in substitution for those which had been dissolved. He defied the Government to forbid this; he threatened legal proceedings against any authorities who should interfere with meetings held by him in this capacity. "They may try to put us down by proclamation, but they cannot disperse me. I will be the pacificator of Ireland." In this capacity he subsequently invited some of his friends to a breakfast at an hotel in Dublin. The Lord Lieutenant issued a proclamation forbidding such meetings under any name or device whatever. In spite of this, O'Connell summoned the meeting of a committee of thirty persons, at which a petition for the repeal of the Union was to be determined on. By order of the Government, two magistrates appeared at this meeting, and ordered it to disperse; and later a prosecution was commenced

against O'Connell, and some of his leading associates, for holding meetings in violation of the Lord Lieutenant's proclamation. An indictment was framed against them, and the grand jury found a true Bill. O'Connell and his friends met the attack by legal artifices and technical defences. They pleaded guilty to parts of the indictment, and demurred to others. It is unnecessary to explain the further proceedings. They ended in O'Connell withdrawing his demurrer, and submitting to a verdict of guilty being entered upon the record; but, in spite of a bold front put upon the transactions by the Government in the House of Commons, and their positive declaration that the law should take its course, O'Connell was never called up for judgment.

The Act under which O'Connell had been prosecuted was allowed to expire; and the Government did not ask Parliament for its renewal. The expiration of the Act was alleged as justification for abandoning the criminal proceedings. Practically, therefore, O'Connell came off victorious in this long legal contest with the Government. He had asserted the right to hold meetings and to form associations, and the Government had not dared apply to Parliament for a renewal of the Act under which they had endeavoured to prevent them. Thenceforth and for a long period no attempt was made by the Government to interfere with his proceedings. It was strange indeed that any attempt was made to enforce the Act or to prosecute O'Connell when it was not intended to renew the law. Doubtless the introduction of the Reform Bill, the difficulties which the Government met with, and the political necessity of keeping on good terms with the Irish members, accounted for the sudden abandonment of the policy of prohibiting meetings in Ireland, and enforcing the law against O'Connell.

It was throughout his political life the boast of O'Connell that the Irish members enabled the Government to pass its Reform Bill for England. The

second reading of the first Reform Bill was carried, after a seven nights' debate, by one vote only, in a House of 603 voters. There was a considerable majority of English and Scotch members opposed to the measure, and the balance was made good by the Irish members, of whom fifty-three voted for the Bill and thirty-six against it. The Government was subsequently defeated, on going into committee on the Bill, by a motion of General Gascoigne, directed against the reduction in number of the English and Scotch members. Parliament was thereupon again dissolved. The country was now roused to the highest pitch of excitement; the agitation reached a point almost equal to that in Ireland in 1828. The Reform movement carried everything before it.

In the new Parliament the Liberals had a very large majority, and the second reading of a renewed Reform Bill was now carried by 136. What followed is well known—the rejection by the House of Lords; its reintroduction in the session of 1832; the carrying of the second reading in the Lords by a majority of nine; the defeat of the Government there on a motion to postpone the disfranchising clauses; the application of the Government for power to create peers; the refusal of the King; the resignation of the Government; the failure of the King to find another Ministry; the capitulation of the Lords under the threat of creating Peers sufficient in number to carry the Bill; and the final triumph of the great measure.

The Irish Reform Bill followed suit, but while English public opinion shaped the one measure, Irish opinion had little share in shaping the other. O'Connell strongly attacked the Bill in committee, chiefly because it did not remedy the wrong which had been done by the disfranchising Act of 1829. He showed that, previous to that Act, the counties of Ireland had upwards of two hundred thousand voters; but that the number had since been reduced to twenty-six thousand. He claimed that Ireland was entitled to

many more than the five additional members it was proposed to give. He moved many amendments for extending the franchise in various different directions. These amendments were successively defeated at the instance of the Government. The debates on them gave rise to many violent conflicts between O'Connell and Stanley. The latter showed no desire to conciliate the Irish members. In vain O'Connell appealed to the assistance which he and his friends had rendered in carrying the English Reform Act. As amendment after amendment was carried against him, his temper grew worse, and he denounced Stanley in violent language, as the Minister responsible for the failure to meet the claims of Ireland, for his overbearing and insolent manners, for his want of sympathy with the popular demands of Ireland, and for his policy of exasperation. Stanley replied with even greater bitterness and coarseness; he said that "O'Connell's speech was disgraceful to a gentleman; that his object was to seize every opportunity of exciting the Irish people to discontent, and to poison their mind against the Government. His trade was agitation; his sole object personal ambition; and his end the separation of the two countries." Peel joined in the fight, and protested against giving way to agitation, entirely forgetting his own conduct on Catholic Emancipation in 1829. "I, for one," he said, "will never submit to subject the House to what is nothing less than a vile and degrading tyranny. I will not sit in the House to see its functions thus treated, to hear principles which are fatal to all government, and subversive of the peace of society." O'Connell, in an earlier stage of the Bill replying to a taunt of agitation, had said, "The best mode of putting an end to discontent is to do justice to the people. If I know anything upon any subject, it is agitation. I have always found that there never was any real agitation unless where a real grievance existed. I defy you to point out a single instance where a

substantial agitation ever existed without a real grievance."

Practically, little or no change was made in the Bill in the House of Commons. In the Lords the only amendment made was for restoring the right of voting to the corrupt bodies of freemen in the boroughs—a body of men exclusively recruited from the Protestants. The amendment was strongly condemned by the Irish members, but without effect. Relatively to the English measure, the Irish Bill could not be considered an enfranchisement. Ireland was not treated on terms of equality. The new voters proved to be very few in number. The measure consequently gave rise to much ill feeling in Ireland, and was always quoted as an instance of unequal treatment. It was not till 1850 that the House of Commons made some approach to a fair treatment of the Irish franchise; and it was only in 1884 that the English and Irish franchises were placed on a footing of perfect equality by the establishment of household suffrage in both countries.

Meanwhile agitation continued and increased in Ireland. It was mainly directed to the subject of tithes. For the moment the whole attention of the people was concentrated on that point. Tithes were at this time collected directly from the tenants, and were apportioned annually with reference to the actual amount of the harvest, and were payable generally in kind. The proceeds went to pay the clergy of the Established Church—the Church of the small dominant minority, not of the people. In 1832 the Irish Church presented to view the more glaring anomalies and absurdities. Its staff of bishops with high salaries was enormous. There were numerous instances of well-paid clergymen without any congregations; and in vast numbers of cases the average attendance at the churches was exceedingly small. The main income of the clergy was derived from tithes. These till very recently had been levied almost exclusively upon the smaller farmers, who, out of Ulster,



were almost without exception Catholics. The tenants of large grazing farms, who were mostly Protestants, had obtained exemption under the following circumstances. In the time of Queen Anne, much land in Ireland was laid down in grass, and was generally let in large holdings to Protestants. These people, whether Episcopalians or Presbyterians, objected to pay tithes, and invoked the interference of their Protestant representatives in the Irish Parliament. In 1735 the Tithe Agistment Act, exempting pasture land from tithe—an exemption which tended to encourage the conversion of tillage into pasture—was passed by that assembly. This Act had very recently been repealed by the Imperial Parliament.\*

In Ulster the sturdy Protestant tenants had succeeded in obtaining a further mitigation of this impost. They asserted customs for the exemption from tithe of certain crops, such as potatoes and flax, and, by the aid of friendly Protestant juries, they succeeded in effecting their object. In the rest of Ireland the tenantry had not been so fortunate. Hence it arose that the very poorest tenants in the Catholic districts, cultivating only small patches of potatoes, were liable to be called upon to pay their quota to the support of a Church not their own, while Protestant tenants of the same class in the north were exempt. It was of little use to tell the Catholic tenants that the tithe was a charge on the land, which was taken into account when the land was let, and was properly, therefore, a deduction from the rent, and a property or right as much as the rent itself. Such an argument might avail for a political economist, but would not content the Catholic cottier, who was called upon to contribute the tenth part of his potato crop to the maintenance of a Church not his own, and which was often deserted and empty, while the Catholic chapel, unsupported by the State, was crowded by poor worshippers, who voluntarily maintained it out of their scanty means.

\* 4 Geo. IV., c. 99, s. 35.

The clergy as a rule farmed out their interests to tithe-collectors, who had the worst reputations in the country for extreme harshness in the collection of these dues. The ecclesiastical courts which had jurisdiction in this matter were most severe. There was a proverb amongst the peasantry, "To go into the ecclesiastical court to contend with a minister, is going to law with the devil in a court held in hell."\* Often the tithes could only be collected at the point of the bayonet. Conflicts almost amounting to pitched battles arose between the police and the peasants. When the police were reported on their way to assist in the collection of tithes, the cattle were driven off the land, and were locked up in the owners' houses, where the law would not permit the sheriffs' officers to seize them. There was, in fact, a general strike against tithes, and a determination to be rid of them. The priests denounced them in the Catholic chapels, and condemned the Church on whose behalf they were levied. Another grievance of the same kind was that of Church rates, or Church cess—a tax of an uncertain amount, for the repair of the fabrics of the Established Church and the maintenance of its services, levied by the votes of the Protestant ratepayers, but paid alike by all ratepayers, whatever their religion.

In the latter part of 1831, the difficulty of collecting tithes and Church rates became so great, that the bishops advised their clergy to desist from the attempt, and to abstain from pressing their claims, until Parliament should deal with the question. Great distress and difficulty consequently prevailed among the clergy. Committees on the subject were appointed by both Houses of Parliament in 1832. To the indignation of O'Connell, no Catholic members were nominated to sit on the Committee of the House of Commons—"as if," he said, "Catholics had nothing to do with tithes except to pay them." Questions of the expediency of the charge, the destination of the

\* Gustave de Beaumont; "*L'Irlande*," vol i., p. 388.

tithe, and the condition of the Established Church, do not appear to have been entertained by these Committees. The only subject they discussed was how to recover the charge in the interest of the clergy. The Committees of both Houses came to the same conclusion—that the Government should intervene for the assistance of the clergy, by advancing the amount of uncollected tithe, and should take upon itself the duty of collecting the arrears; and further, that the composition of the tithes, and their conversion into a money payment, should be made compulsory and not permissive. The Government, accordingly, introduced resolutions to enable them to advance £60,000 to the clergy, and to assume the collection of arrears, and also for the compulsory composition of tithes.

O'Connell violently attacked these resolutions in the House of Commons. He complained of the insulting contempt with which Irish questions were dealt with. "All Ireland," he said, "was combined against the tithe system—all the Catholics, all the Presbyterians, all the Dissenters; yet how did the Government propose to deal with it? By substituting the Government for the tithe-collectors; by making the Lord Lieutenant tithe-proctor-general for all Ireland; and by keeping up the Protestant Establishment, the most monstrous which ever existed in any country." While denouncing the Established Church, as it stood, he expressed himself favourable to the endowment of all religious bodies in Ireland. "He would give," he said, "to the present clergy of the Established Church the full amount of their livings, but he would not continue after their death to pay enormous sums to those who had no spiritual duties. He would levy a tax on all property for the purpose of religion and charity; by religion he did not mean the Established Church only, or any particular Church, but to a certain extent every Church, and without doubt the Established Church among them. A small glebe ought to be given to every minister." Mr. Sheil, who had entered Parliament at

the last general election, supported him in a vigorous speech ; but the measure was carried in spite of their opposition. A proposal of Sheil to abolish Church rates in Ireland was negatived by 79 votes to 18.

It will be observed that the first effort of the Reform Ministry of England on the subject of tithes was entirely in the interest of the clergy, and with the object of securing their incomes ; it put the Government in the position of tithe-collector ; it advanced money of the State to the clergy ; it made the composition of tithes in money compulsory, in order to facilitate their collection. There was not a word in the speeches of Lord Grey and Lord Stanley to indicate any perception that the Catholic tithe-payers had any grievance to complain of, either in the system of tithes, or in the establishment of the Church of the minority. Lord Grey, in the House of Lords, said that "while admitting the urgency of effecting some improvement in the mode of making provision for the clergy of Ireland, he would never think of making any such improvement, without fully securing to the Church its just rights."

In the autumn of 1832, after the passing of the Reform Act, Parliament was again dissolved. A general election took place, and a House of Commons was elected under the new franchise—an event of the utmost importance in the history of the country. The Liberal party made nearly a clean sweep of the constituencies. The old Tory party, the opponents of Reform, succeeded in returning less than one-fifth of the members elected. There was a majority against them in the new House of 388. From Ireland, of one hundred and five members, only twenty-three members were returned by the Tory party. For the first time the question of repeal of the Union was raised at the Irish elections. Of the eighty-two Liberals, forty-five were pledged to vote for repeal, a number less than half of the total number of representatives for Ireland ; the remainder were in favour of reforms, such as

the abolition of tithes, the reduction of the Church Establishment, the revival of municipal institutions—measures consistent with the maintenance of the Union. During the autumn and winter the resistance of the peasantry to the collection of tithes continued. Twelve thousand attachments were issued in the courts of law for the arrears of tithes, now the property of the Crown, and it was the fixed resolve of the Government to collect them, even at the point of the bayonet. The attempt to do so was met by active resistance, and a series of encounters took place in all parts of the country throughout the winter, between the police and the military on the one hand, and the peasantry on the other.

The meeting of the Reformed Parliament, in the beginning of 1833, was another great opportunity afforded British statesmen of dealing with Irish questions, both by legislation and administration, in a spirit of conciliation and justice. There was an enormous majority in Parliament in favour of Lord Grey's Government. It could do almost as it liked, and was no longer hampered by Parliamentary opposition. It had an open field for any changes it might think desirable in its Irish policy. The opportunity was again thrown away; the demands of Ireland were disregarded. No approach was made to O'Connell; he was still held at arm's length. Anglesey and Stanley continued to govern Ireland on Tory lines. The Government had shown its confidence in Stanley's policy by admitting him to the Cabinet; and thenceforward he practically governed Ireland. No attempt had been made to carry the policy of the Catholic Relief Act into administrative action. The demand in Ireland for reforms, especially on the tithe question, was universal. The wise and statesmanlike course for the Government would have been at once to propose those measures of reforms, and to trust to their operation for the restoration of order. But Ministers chose the opposite course; they asked

Parliament to support them, not in a policy of concession, but of coercion.

In the debate on the Address, O'Connell attacked this policy with the utmost violence; he described the speech from the throne as "brutal, bloody, and unconstitutional;" he said that the increase of crime in Ireland was due to misgovernment, and to the refusal of reforms, not to agitation. He denounced the administration of Lord Anglesey and Mr. Stanley. "Never had there been such a persecuting Government; they had prosecuted the press, the people, and even the priests, but they had done nothing to restore tranquillity to the people. . . . When Ireland had so many grounds of complaint, had not its people a right to agitate? Was it not shameful that the first message sent by the Reformed Parliament to Ireland should be one, not of peace, but of war? The principle of Protestant Ascendency was manifestly to be maintained; the policy of excluding Irish Catholics from all positions of power in their own country was to be perpetuated. Four years had elapsed since the passing of the Catholic Relief Act, but no change had as yet taken place in the system of English government in Ireland. The policy of the Castle was still that no Papist need apply. Did the Government expect that the Irish people could be coerced into law and order as long as Catholic Emancipation was permitted to remain a dead letter—as long as practical justice was denied them?" He warned the Government that no measures of coercion, however stringent, would be effectual in putting down agitation and restoring peace, until the popular grievances were redressed.

He enumerated seven grievances in Ireland which required immediate redress. 1. The condition of the police, and of the magistracy, who were entirely recruited from the ranks of the Protestants. Of twenty-six stipendiary magistrates appointed by Lord Anglesey, there was not a single Catholic. Of thirty-two inspectors of police and five inspectors-general, not one

Catholic had been appointed. Suppose, he said, a magistracy were established in England professing a religion different from that of the people, and with arbitrary power, and against the members of which it was hopeless to seek redress, no matter what injustice was committed, what would be the feelings which such a state of things would generate? 2. The total want of confidence in the administration of justice by the bench of judges. For more than thirty years, he said, the enemies of liberty in Ireland had been in power; they had filled all the judicial appointments with their political supporters; promotion had been uniformly withheld from any one who had even signed a petition in favour of Catholic Emancipation, or who had shown any sympathy with the people. 3. The manner of striking juries. The power assumed by the Crown in Ireland,—very different and far greater than that exercised in England,—of setting jurors aside at its discretion, was uniformly exercised to prevent Catholics being on juries, and had placed the administration of justice entirely in Protestant hands. 4. The abuse of the grand jury system, and the power of imposing taxes by self-appointed bodies, who were all of one class and religion, and a majority of whom were absentees. 5. The state of municipal corporations in Ireland. The bigotry and exclusiveness of these bodies were well known. Though Catholics had been for years admissible, few had ever been admitted to these corporations, and none had ever been allowed to discharge the duties of these offices. Not a single Catholic had been admitted to the corporation of Dublin for forty years. 6. The grievance of tithes and the Established Church. All the Catholics wanted, he said, was freedom in religious matters. They desired no supremacy, but they insisted upon the extinction of tithes; and they objected to pay twenty-two bishops and innumerable other Church functionaries for services they did not require. 7. The suppression of meetings by the Government, by

a construction of the law which would never be tolerated in England. Were the meetings, he said, in Ireland more dangerous than those in Birmingham, by means of which reform of Parliament had been obtained? yet no one thought of suppressing the English meetings.

Having made this enumeration of grievances, O'Connell warned the Government that no measures of coercion, however stringent, would be effectual in putting down agitation and restoring peace until the popular demands were granted. The Whigs, he said, had always proved the bitterest enemies of Ireland. They were only treading in the steps of those who had gone before them. They had rendered themselves liable for all the crime that took place in Ireland. Let them but do justice to Ireland; let them put down the cry for repeal of the Union, by showing that it was unnecessary; let them show that they meant well to that wretched country, and agitation would cease. He concluded by denouncing Stanley as the worst enemy of Ireland that had ever held the office of Chief Secretary.

Stanley replied that it was idle to talk of measures of concession until the disturbances which disgraced the country were put down. O'Connell, by his violent courses, had made himself responsible for them. To demand the redress of such grievances, whilst the spirit of rebellion remained unquelled, was to ask Parliament not to deliberate, but to crouch before dangers which were threatened. Respect for the law should be first established, attachment to the Government first secured, and then it would be fitting to consider the question of grievances. How was this respect and attachment to be gained? By force. A Government to be loved must be feared. He taunted O'Connell with not having ventured in the House of Commons to grapple with the question of repeal of the Union. The Government now told him before the people of Great Britain that his panacea was one which would be resisted to the death with all the power of the Government.



This speech of Stanley's gives the key-note to his policy for Ireland. It was that of uncompromising hostility to O'Connell; of resistance by force to the demands of Ireland; of suppression of every symptom of disorder in Ireland, before any ear would be given to her complaints. It drew remonstrances from the more advanced members of the Liberal party in England. Stanley was too violent in his tone even for Peel, who, while supporting the Government, made important reservations. "He had always dreaded measures of coercion, for he feared that, whilst their effect for good would be temporary, they would leave behind a rankling wound, of which the soreness would be long felt. He had always been in favour of trying the ordinary law in preference to coercion. There is a great evil in coercive measures; you cannot rely on them for any permanent good; but there is great risk that they will relax the energy of the ordinary law, and widen the breach between the richer classes, for whose protection they are framed, and the poorer classes, for whose punishment they appear to be intended." The argument against coercion could not be more tersely put. Nevertheless Peel supported the Government, and O'Connell's amendment was rejected, after four nights' debate, by an overwhelming majority.\*

The Coercion Bill was introduced by Lord Grey in the House of Lords, and, as might be expected, was carried there without opposition or amendment. It was the most stringent measure of the kind ever introduced. It proposed to give power to the Lord Lieutenant to proclaim districts, and to establish martial law; to suspend the Habeas Corpus Act; to try prisoners by military tribunals; to suppress public meetings; to forbid persons to be out at night from one hour after sunset until sunrise; and to enable the military to enter houses to search for arms. In the Commons it was introduced by Lord Althorp, in a very half-hearted speech. In fact, it was known

\* Division—65 for the amendment, 301 against.

that in the Cabinet, Lord Althorp, Lord Melbourne, and Mr. Grant had favoured prompt and large measures of conciliation for Ireland, and had with difficulty been persuaded by Stanley to consent to meeting the Reformed Parliament with a stringent Coercion Bill, as their first measure for Ireland. With these views Lord Althorp made but a poor case for his Bill, and it was generally felt that no adequate cause had been assigned for so extreme a measure. Later, however, on the same night, Stanley stepped in to supply the want of vigour shown by his chief. In a speech of extraordinary power he completely carried the House with him. Lord Russell has described this speech as the most surprising instance of what intense earnestness, high intellect, reckless courage, and passionate eloquence can achieve in changing the mood of a popular assembly.\* Stanley denounced O'Connell in haughty and contemptuous terms. "The curse of Ireland," he said, "was agitation and demagogism; until this was put down there would be no security for law and order, life and property." O'Connell replied that it was useless to think of restoring order by force until grievances were redressed. "Let tithes be abolished, let rack-renting be prevented, and order will prevail in Ireland. There was a time when a ray of hope dawned on Ireland. It was when the present Parliament first assembled. We saw this reformed House of Commons meet. We knew the people of England were represented here. We believed that they would afford us redress of our grievances—and you give us an Act of despotism." The most remarkable incident of this important debate was the speech of Mr. Lytton Bulwer, afterwards Lord Lytton. "The question," he said, "is how disorder and anarchy in Ireland are to be put down. The Government say by coercion, tempered by confession. I say by concession, and concession only. I am sure that no

\* "Life of Lord Melbourne," vol. i. p. 419.

people on the face of the earth can be governed by the system which the Government now propose—to-day coercion, to-morrow concession. This quick alternation of kicks and kindness; this coaxing with the hand and spurning with the heel; this system, at once feeble and exasperating, of allowing the justice of complaint and yet stifling its voice—of holding out hopes and fears, terrors and conciliation, all in a breath—is a system that renders animals and human beings alike not tame but savage; is a system which would make the most credulous people distrustful, and the mildest ferocious. You flatter yourselves that under the shelter of these laws you will be able with effect to apply your remedial measures. It is just the reverse; they will blight all your remedies, and throw their withering shadows over all your concessions.”

O'Connell closed the debate by another strong appeal to the House. He taunted the Whigs with inconsistency, in presenting this as the first measure of the Reformed Parliament—a measure which put an end to personal liberty, to the right of petition, to liberty of the press, and to trial by jury; he insisted that all constitutional methods had not been exhausted. “What had the Government been doing since the previous August? They had been endeavouring to enforce the payment of tithes by sending horse and foot into every part of Ireland—by turning the Lord Lieutenant into a tithe-collector. He alone (O'Connell) offered hope to the Irish people—the hope of an Irish domestic legislature. English members might think that a delusive hope. Let them prove it to be so, by showing that they were ready to afford the Irish people kind and paternal protection. Instead of that they turned away the look of kindness. They left all grievances unredressed; for bread they gave a stone, and they established amongst them a most despotic authority, acting upon the principle that a Government ‘to be loved must first be feared.’”

The second reading was carried, on a division,

by 363 to 84. Its progress through Committee led to a series of violent conflicts between O'Connell and Stanley. Every clause was stoutly resisted. That permitting the constitution of courts-martial was only carried, after prolonged opposition, by a majority of 270 to 130. Some few concessions, mitigating the rigour of the proposals, and providing securities against abuse, were made by Lord Althorp. The chief amendment was to the effect that no district should be proclaimed merely on the ground that tithes were not paid in it. This change produced great dissatisfaction among the Conservative peers, who held that it was almost as mischievous as a declaration that no tithes need be paid. Immediately on the passing of the measure, the Lord Lieutenant issued a proclamation suppressing O'Connell's last Association. This body, however, had anticipated the action of the Government by a resolution that, from the period of its dissolution by legislative coercion, all its functions and acts should be confided to O'Connell himself; and it will be seen that the suppression had little or no effect upon the agitation.

In the mean time a remedial measure had been introduced by the Government in the House of Commons, proposing to deal to some extent with the grievance of the Irish Church Establishment. There were symptoms at the outset of a division of opinion in the Cabinet on this subject. English opinion was entirely opposed at that time to any complete measure of reform; it would not listen to any proposal for the suppression of the Irish Church Establishment, and of the application of its immense endowments to secular purposes; still less was it prepared for a measure for the concurrent endowment of the Catholic clergy. The scandal, however, of the Protestant Church of Ireland was very great, and a large majority of the Liberal party were willing to cut down its establishment to reasonable proportions, by reducing the number of bishops, by suppressing benefices where

there were practically no duties, and by applying the proceeds of these reductions to some secular purpose. A measure was brought forward with this object on behalf of the Government by Lord Althorp. The Bill proposed to abolish the Church cess, which was estimated to produce about £70,000 per annum, and to levy a tax on the incomes of the clergy for the maintenance of the churches. Twelve out of the twenty-two bishoprics were to be suppressed, and also all benefices where there were fewer than fifty Protestants; the proceeds from these reductions, estimated at £3,000,000, were to be devoted to such purposes as Parliament should thereafter think fit. O'Connell, on its introduction, supported the measure, because it recognized, he said, an admirable principle—that where there were no spiritual wants there should be no receiving of tithes or other income.

The proposal in the Bill for appropriating to secular purposes a part of the income and property, theretofore devoted to the Church, met with great opposition. Sir Robert Peel, while favourable to the reform of the Irish Church, objected strongly to the diversion of any part of its property, and held that it ought to be considered just as sacred as any private property. Many of the Whigs equally objected. It became known that this part of the proposal had no chance of being carried through the House of Lords. The Ministers, therefore, determined to withdraw it, and when the clause was reached in Committee, Stanley, himself, moved its rejection. It had never, he said, been the intention of the Government to apply the surplus funds to general State purposes, but rather to objects which would involve religious and general charity; but he looked forward with alarm to the conflict of hostile opinion on the subject, and he was unwilling to risk the benefits, to be derived from other parts of the measure, by endangering the principle. From his subsequent action, it seems probable that Stanley had never assented to the introduction of

this clause, and would have resigned sooner than agree to it. O'Connell attacked the Government for surrendering this principle with unmeasured reproach. When the Ministers introduced coercion, they promised to accompany it with measures of redress; they had declared they would stand or fall by these measures. It was on the faith of this they had carried their Coercion Bill, and now they sacrificed the main principle of their remedial measures in order to keep in office. Stanley denied that the application of the surplus Church property for secular purposes had been a principle of the Bill. The rejection of the clause was not carried without strong protest, and one hundred and forty-eight members voted for its retention. The measure, thus amended, was in its main features, and with the exception of the abolition of Church cess, no longer one which interested the majority of the Irish people. It was reduced, in effect, to a reform of the Church of Ireland in its own interest, and a redistribution of its income among its officers. It made that institution a little more defensible, in the sense that the number of bishops and other functionaries with no duties whatever were to be reduced. The Establishment itself, the most glaring anomaly of all, would remain, and there would be no longer such gross cases of clerical sinecures. The principle of the appropriation of its surplus property for the benefit of the people of Ireland generally was abandoned. Even thus reduced, it was with some difficulty that the Bill passed the Lords. The Duke of Wellington used his utmost entreaties to avoid a division on it; but in spite of these, ninety-eight peers voted for the rejection of the Bill, and one hundred and fifty-seven for it. The opponents of the measure succeeded in defeating the Government on an amendment, providing that where no duty had been performed in a parish for three years, the funds from the benefice should be accumulated to build a Church there, or a glebe-house.

The debates on the Coercion Bill and the Church

Temporalities Bill, and O'Connell's indignant reproaches to the Government, were not without their effect. It became evident that a large part of the Liberal party was of opinion that the policy pursued towards Ireland was a mistake; and there were grave misgivings in the Cabinet itself. The first evidence of this was the removal of Stanley from the post of Irish Secretary, for which he had shown himself eminently unqualified by his bitter temper and want of sympathy. A more unfortunate selection for the post could not have been made. His action and his violent language had destroyed all hope of conciliating the Irish party in the House of Commons, and the vast majority of the Irish people. He was now appointed Secretary of State for the Colonies; and Lord Anglesey was replaced by Lord Wellesley.

It is only fair to Mr. Stanley to recall the fact that during his few years of office, though he conducted the Government of Ireland on the old-established principle of Protestant Ascendancy, he laid the foundation of one institution of great ultimate importance, and in which he endeavoured to preserve a position of impartiality as between the rival sects of that country. Nothing had been more degrading, galling, and more permanently mischievous to the Catholic population of Ireland than the provisions of the Penal Code with reference to education. Catholics were forbidden to set up schools of their own, or to be masters or teachers in Protestant schools, or even to teach in private houses any other children, than those belonging to them. It was made illegal to send children or young men abroad, for the purpose of being educated in foreign schools or colleges, and it was only by stealth that the wealthier Catholic families, unable to obtain education at home, were able to smuggle their sons out of the country, to receive instruction conformable to their religious views, in France or Belgium. In the earlier period of the penal laws, provisions were directed against any education whatever of Catholics.

Later, in the eighteenth century, it occurred to the bishops and other leaders of the Protestant Ascendency that education might be made the means of proselytizing; and, accordingly, various efforts were made, at their instance, by Parliament and by voluntary societies and endowments to promote the instruction of Catholic children; it was hoped to reduce the influence of the Catholic Church, by making it a condition that these children should be instructed in the doctrines and principles of the Protestant faith. Catholics were accordingly admitted to the schools supported by the State, but only upon the declaration of parents giving full and voluntary consent to their children being instructed in the Protestant religion.

In 1781 some relaxation of the penal laws took place. Catholics were for the first time permitted to teach in schools, but only by the leave and licence of the Protestant bishop of the diocese. The Irish Parliament in 1792 removed all other restrictions on Catholic education; but it still left all endowments in the hands of Protestants, and the State aid was only given to the sectarian schools of the minority. After the Union, between 1811 and 1817, a further advance was made. It was conceded that it was desirable to promote the education of Catholics' children, and that it was unjust to force upon them, as a condition of it, their instruction in religious principles distasteful to their parents; public opinion, however, in England, it was thought, could not justify the application of State aid to schools, where the Catholic religion was taught, or even where no religion was taught. A society, therefore, was founded for the purpose of establishing schools with the aid of State funds, upon the principle that the Bible was to be read daily in them, without explanation or comment. This, again, was opposed to the conscientious views of Catholics, who objected strongly to placing the Bible without comment in the hands of children between the ages of five and fifteen. The desire, however, of the Irish Catholics for education



was so great that, much as they objected to the plan, they were prepared to give it a trial. O'Connell became a member of the new body, called the Kildare Street Society ; numerous schools were set on foot throughout the country, and received an annual grant amounting to £30,000. The Board, however, soon got into difficulties by allying itself with various proselytizing bodies, and entirely lost the confidence of the Catholics, so that O'Connell felt himself compelled to sever his connection with it. The benefit of the system mainly accrued to Ulster and the Protestant population elsewhere. Five-sixths of the masters were Protestants, a proportion exactly the reverse of what it should have been.

It was under these circumstances that Stanley now made an effort to popularize education in Ireland, and to establish it on an unsectarian basis. There can be no doubt that the Irish people, Protestant and Catholic, desired a denominational system of education. But English opinion, which at that time insisted upon denominational education for England, would not permit of State funds being devoted to the teaching of Catholic principles as part of a school system in Ireland. Stanley, therefore, recognizing this difficulty, proposed a system of mixed education for Ireland, where the State grants would be given for lay subjects only, but where time and opportunity would be afforded for each denomination to give whatever instruction it might think fit for the children of those belonging to it. He declared that the Kildare Street Society was a failure ; that its system was utterly unfitted for the Irish people, and was based on principles repugnant to the Catholic population. He proposed the constitution of a new Board, on which Catholics were to be represented ; schools were to be established, open equally to Catholic and Protestant children ; four days in the week were to be devoted to secular education, and one or two days to the separate religious education of the children ; but this latter was in no way to be provided or paid

for by the State ; the system was to be so managed that there should not be a suspicion of proselytism. The scheme was supported in the House by O'Connell, on behalf of the Catholics. He described Stanley's speech as distinguished by good taste, good feeling, and charitable consideration upon those points in which others might differ from him. He denounced the opposition from Ulster as a farrago of bigotry. He repudiated the suggestion that the Catholics would not be content with equality, but were seeking for ascendancy. " He, for one, wished to state—and he made the declaration in the presence of that God who would judge him, by what he then stated, to eternal weal or woe—that he would be as strenuous an opponent of Catholic Ascendancy in Ireland as any Protestant in that country. Ascendancy only corrupted religion, and he loved his religion too fondly to wish to see it in the ascendant."

Stanley's plan was adopted in spite of the opposition of the Protestant party of Ireland. For some time it commanded the support of the Catholic bishops. The weak part of the scheme from the first consisted in the constitution of the Board. The Catholics formed five-sixths of the population of Ireland ; but on the Board of seven members only two were to be Catholics. Of the remaining five, two were representatives of the Presbyterians, and three of the Established Church. It was strong testimony to the moderation of the Catholic party that they were content, in the first instance, with a Board thus constituted. The Presbyterians were from the first the main opponents of the scheme. They dubbed it a godless system. They claimed that in a Christian country the Bible, unabridged and un mutilated, should form the basis of education, and they opposed any system which interfered with the inestimable possession and use of the Scriptures in the schools. O'Connell always defended the system, on the ground that it would not deprive Protestant children of the use of the Bible, but would prevent the reading of it

being forced on Catholics in a manner they did not approve of.

The resistance of the Ulster Presbyterians did not cease with the passing of the measure. By steady pressure upon the Board, directed for several years, they gradually succeeded in persuading it to make concessions to them. These departures from the original scheme gradually alienated the Catholic clergy and bishops. The action of the Board, which at first was perfectly impartial between the various sects, was after a time modified. Their course, in respect to the historical works which they prepared and circulated for the use of the schools, was specially distasteful to the Catholic and National party. They studiously omitted from the history of Ireland any passage or expression reminding the children of the separate national existence or historic traditions of their race and country. National emblems, references to liberty or freedom, and patriotic aspirations were carefully eliminated from the lesson-books. It was even sought to substitute the idea of an English for an Irish birthright.\*

Dr. Whately, the Anglican Archbishop of Dublin, one of the stoutest supporters on the Board of the mixed system, and who in other respects was most fair in his policy to the Catholics, was mainly responsible for this most silly attempt to denationalize the Irish children. As a result, the Board and its system equally lost the confidence of the people. Catholic opinion was turned against it, and from 1840 for twenty years there was a steady and persistent hostility to it on the part of the Catholic bishops, headed by Archbishop MacHale, but somewhat restrained

\* The Irish children were regularly taught to sing a goody-goody hymn, commencing—

“I thank the goodness and the grace  
That on my birth have smiled,  
And made me in these Christian days  
A happy English child.”

Barry O'Brien's "Fifty Years of Concession to Ireland," vol. i. p. 195.

from Rome. They demanded a denominational system and more control over the schools. This was steadily resisted by the Government. It was not till 1860 that concessions were made to the Catholic opposition. The Board was then reconstituted, and the number of its members was increased to twenty, one-half of whom were to be Catholics.

It is satisfactory to add that, in spite of the opposition of rival sects, the schools have grown steadily in number, and that the attendance has year by year increased. The tendency, however, has been more and more to depart from the original intention. Throughout the greater part of Ireland the schools are, in fact, not mixed, but are separate and practically denominational. It is only in a part of Ulster that the schools are under the joint management of Catholics and Protestants, and that the system has remained a mixed one as contemplated by Stanley; and even in this province the great majority of the schools are for separate denominations. Irish opinion has, in fact, succeeded in asserting itself, against the intentions of the founders of the system and of Parliament, and has adjusted by degrees the educational establishments more nearly to the wants of the people.\*

Looking back at Stanley's plan, it is easy now to see that its main defect consisted in the constitution of a Board with so unfair a representation of the Catholic majority of Ireland. This was due to an unreasonable fear of the Catholics, and in part also to the national prejudice in England against any system under which there was a possibility that Catholic doctrines might be taught at the expense of the State. To secure itself against this, the Imperial Parliament insisted upon an unfair representation of the national party, while, on the other hand, to make the scheme at

\* The story of the various phases of the agitation in Ireland on the subject of national education is told at length in Mr. Barry O'Brien's "Fifty Years of Concession to Ireland," vol. i. pp. 1-200.

all acceptable to Ireland, it was compelled to pay the whole cost of primary education in Ireland out of State funds, while in England and Scotland nearly two-thirds of the cost have been borne by local contributions or by school fees.

In the year following on the retirement of Stanley (1834), O'Connell, with great reluctance and against his better judgment, moved early in the session his first and only resolution in the Imperial Parliament in favour of repeal of the Union. It took the form of a motion for the appointment of a committee to inquire into the means by which the dissolution of the Irish Parliament had been effected, and the effects of that measure upon Ireland, and as to the probable consequences of continuing the legislative union between the two countries. His speech was a powerful one, though not one of his best, and not to compare in force and argument with the statement he made on the same subject, a few years later, to the corporation of Dublin, but with many passages of great passion and pathos. It showed that he was almost equally able to hold his own before an educated and a hostile audience in the House of Commons, as before a popular assembly in Ireland, whose passions it was so easy for him to rouse, and with whom he was in such direct sympathy. It is impossible by a short *résumé* to do justice to the argument, but all who wish to understand the case from the point of view of an Irish Nationalist will do well to study it, and especially the historical arguments and the description of the process by which the Union was carried. He concluded by saying that he advocated repeal that he might prevent separation, which he thought would be a measure fraught with incalculable mischief to both countries. He desired the federal connection of the two kingdoms, that in the hour of common danger they might afford protection to each other. But let her own Parliament be restored to Ireland; the British Parliament had never shown itself competent to legislate for Ireland; the Union had

been carried by a train of unparalleled crimes; the financial and legislative terms on which it had proceeded were impolitic and unjust; Ireland had been deprived of her constitution, her people stripped of the means of subsistence; and final separation might, ere long, be the result of obstinate resistance on the part of England. His country had been hitherto governed, not by constitutional law, but in the spirit of despotism; and he demanded therefore at the hands of England a restoration of her national legislature.

The debate lasted for several days, but the only speech worthy of survival of the many made against O'Connell's motion was that of Sir Robert Peel. It was adequate to the great occasion, and to the subject, pitched in a lofty tone, but wanting, as were all his speeches on Ireland, in the slightest note of sympathy for its people. He declined to follow O'Connell through all his historical arguments. He thought it unnecessary to defend the methods by which the Union had been carried. He did not attempt to show that Ireland itself had been benefited by the Union. He put the issue simply on the safety of the empire. The security of the empire, he said, depended on the maintenance of the Union, without which England would be reduced to the condition of a fourth-rate power in Europe, and Ireland to the desolation of a wilderness. It was absolutely necessary that the two countries should be governed and directed by one supreme head and one supreme legislature. He taunted O'Connell with having promised that Catholic Emancipation would content the Irish people with the Union. He pointed out that that concession had only been followed by renewed agitation and by more presumptuous demands. The establishment of a really independent legislature in Ireland would lead to incalculable evils in the administration of the country. The Executive and Parliament of the empire would be continually coming into collision with each other. The spirit, he said, which pervaded O'Connell's speech

was sufficient ground for resisting repeal. There would be no security for the protection of law, property, or individual liberty so long as the slightest degree of influence was exercised by him over the ignorant population of Ireland. The British Parliament had always, he contended, endeavoured to hold the scale of legislation equally between the two countries; and, supposing the connection to be broken, he would prefer a complete separation to the system that existed before the Union. In truth, he entertained serious doubts whether, if the Union were to be repealed, it would not be the better course to consent at once to a separation, and thus absolve England from the responsibility which would otherwise attach to her. The motion was defeated by 523 members to 38. Of the forty members favourable to repeal (including the tellers) only one was an English member. The thirty-nine did not even constitute a majority of the Irish members. O'Connell was undoubtedly discouraged by this result of his Parliamentary action, and he never again mooted the question in the British Parliament. It was not till nearly forty years later that the subject was again brought forward by Mr. Butt.

The Government had moved, by amendment to O'Connell's resolution, an address to the Crown, recording in the most solemn manner the fixed determination of Parliament to maintain unimpaired and undisturbed the legislative Union between Great Britain and Ireland. The address, which was concurred in by the House of Lords, contained also a statement of past policy of the Imperial Parliament to Ireland, and a promise of future policy. As regards the past, it affirmed that Parliament had taken the affairs of Ireland into its most serious consideration, and that various salutary laws had been enacted since the Union for the advancement of the most important interests of Ireland, and of the empire at large. As regards the future it said, "In expressing our resolution to maintain the legislative Union inviolate, we humbly

beg leave to assure your Majesty that we shall persevere in applying our best attention to the removal of all just causes of complaint, and to the promotion of all well-considered measures of improvement." This formed a solemn pledge to the people of Ireland, that their complaints would be listened to, and their wrongs redressed.

Those who are versed in the proceedings of the House of Commons, and have watched the effect of great debates, are well aware that often their result is not to be measured merely by the division in the lobbies. A great discussion generally produces effects on the mind of Parliament and of the country, by compelling attention to the whole subject involved. The powerful arguments of O'Connell on the existing wrongs of Ireland, and the failure of the Imperial Parliament to find remedies for them, sunk into the minds of many members, and contributed greatly to the altered tone of the House of Commons on Irish questions during the next six years ; while the deliberate expression of the intentions of Parliament, contained in the address, may have induced the Government to pay more attention to Irish affairs in the future.

Mr. Stanley had been succeeded as Chief Secretary by Mr. Littleton, a gentlemen of very different temperament, much more friendly to the Irish, and persuaded of the necessity of coming to terms with their leader. He found, on taking up his post in the autumn of 1833, that the tithe war was proceeding with unabated vigour. The Coercion Act made no difference, and the Government was no better able to collect the tithes than the clergy. The arrears were very great, and the Government, under the powers of the Act of 1833, had advanced no less than £1,000,000 to the tithe-owners, without recovering any substantial amount from the tenants. Mr. Littleton brought the subject before the House of Commons early in 1834. He pointed out the years of chronic war on this subject ; he reminded



the House that the Statute-Book was loaded with enactments for the purpose of enforcing the payment of tithes, the whole of which had proved ineffectual. He showed the harshness of their incidence, and the extreme difficulty of recovering them from the very small tenants. The only way of saving this revenue for the Church was by making the landlords responsible for its collection, and by enabling them to add it to their rent. O'Connell, in the first instance, opposed this proposal, on the ground that tithes should ultimately be wholly abolished. His own plan was that vested interests should be preserved, and that every minister of the Established Church should receive the full amount of his tithes for life. He suggested also that glebes should be given to the Catholic priests ; he did not, he said, propose this with any authority, but his plan would be received with gratitude and would pacify Ireland. The Bill, as it stood, could only involve the landlord in the agrarian war in place of the clergyman. At a later stage of the Bill, he moved, as an instruction to the Committee, that after the charge to be raised in lieu of tithes had been appropriated, so as to provide suitably for the Protestants of the Established Church, the surplus which remained, should be appropriated to purposes of public utility. In making this proposal he disclaimed any desire to secure any portion of the fund for the Catholic Church. He asserted that its members would not accept such a provision, even if it were tendered to them, and stated that his own popularity had already suffered, from his recent unauthorized suggestion that part of the surplus might be applied in the provision of glebes for the Catholic priests. Lord J. Russell expressed much sympathy with O'Connell's views ; he thought that education and charity would be fairly within the scope of legislation, when the results of the Commission on the Church property should be obtained.

O'Connell, however, was defeated, on a division, by 360 to 99. At a later stage of the Bill, when, on the

retirement of Lord Grey and other members of the Cabinet, O'Connell was on better relations with the Government, he was permitted to carry an amendment to the Tithe Bill, relieving the tithe-payer of forty per cent. of the impost. The Ministers offered but a feeble resistance, and the amendment was carried, on a division, by 83 to 33. The House of Lords, however, rejected the Bill by a majority of 189 to 122, and thus prevented a compromise with the Irish party, and delayed by some years the settlement of the tithe question. Subsequent events showed how unwise was this action.

Meanwhile a much wider question was raised, affecting the interest and, indeed, the very existence, of the Irish Church as a State Establishment. A motion was brought before the House of Commons by Mr. Ward, declaring the justice and necessity of immediately depriving the Established Church of Ireland of its temporalities, or property. This led to important consequences in the constitution of the Government. A large proportion of the Liberal party in the House of Commons, including some of its ablest men, such as Mr. Grote the historian, Mr. Roebuck, Mr. Hume, and others, were known to be favourable to this motion. A majority of the Cabinet was of the same view, and there was great perplexity among its members how to meet the motion. As the majority was unwilling to meet the motion with a direct negative, they proposed to appoint a commission to inquire into the state of the Irish Church, and to report on the relation of supply and demand in respect of its spiritual work. Four members of the Cabinet, Mr. Stanley, Sir J. Graham, the Duke of Richmond, and Lord Ripon, could not even bring themselves to the point of agreeing to an inquiry. They feared its inevitable result would be the alienation of Church property to secular purposes, and they resigned office sooner than incur this risk. Lord Grey remained in the Government for the present, only to leave it on another Irish question a few weeks

later. The loss of these members was a most serious blow to the Ministry. It was the first breaking away of the more moderate section of the Whigs; they never again were united to their former friends, and after a time they joined the Tory party.

Lord Althorp, in announcing the ministerial resignations to the House, consequent on the intention of the Government to appoint a commission of inquiry into the revenues and wants of the Irish Church, appealed to Mr. Ward not to proceed with his motion. That gentleman, however, refused to do so, notwithstanding the assurance of Lord John Russell that the Government would never have parted with colleagues if it had not adopted the principle, the assertion of which had caused these colleagues to retire, namely, that if the property of the Church of Ireland should be found to be more than sufficient for the spiritual wants of the Protestant inhabitants of Ireland, Parliament had a right to deal with the surplus. The motion was proceeded with. In the discussion, Stanley said that the motion and the commission involved the same principle, namely, that Parliament had a right to deal with the property of the Protestant Church for other than Protestant religious purposes. To this he would never assent. He held the principle of the Church Establishment to be this, that the State should furnish to every member of that Church, whether residing in a thinly peopled or in a densely inhabited one, the means of religious instruction. The proposed commission involved a principle which tended to the destruction of the Protestant Church, and by which the maintenance of a Protestant clergyman in every parish might be made to depend on the precarious and fluctuating list of members residing within it. Sir Robert Peel also opposed, but in a most moderate speech, and the motion was rejected by 369 votes to 120.

The Government, weakened in some respects by the loss of Stanley and Graham, but thrown upon the

support of the more advanced members of its party, had now to determine whether to renew, in whole or in part, the previous year's Coercion Act which was about to expire, or whether to attempt to govern Ireland by the ordinary law. A large section of the Cabinet was most unwilling to renew the Act without great changes. The experience of the past session had shown them what they were to expect from O'Connell and his followers, in the event of their making this proposal. They dreaded a renewal of the conflict ; they knew that it would render other legislation impossible ; they desired above all things to come to terms with O'Connell. Lord Althorp, with his experience of the House of Commons, was especially impressed with this view. Lord Grey, removed from contact with the representatives of popular constituencies, and not having to face Irish opinion in the serene atmosphere of the House of Lords, was strongly in favour of renewing the Act in all its vigour. He was supported in this view, in the first instance, by the Lord Lieutenant, Lord Wellesley, who had written officially, expressing his most anxious desire that the Act might be renewed. Mr. Littleton, in his difficult position as Irish Secretary, felt the necessity of coming to a good understanding with the Irish members ; they had been made implacable by the Coercion Act of the previous year, and even the removal of Stanley from the post of Irish Secretary had not mitigated their rancour towards the Administration.

The Coercion Act consisted of four parts—the clauses directed against agrarian disturbances, including the power to proclaim districts, and to supersede the ordinary law, and the Habeas Corpus Act ; the curfew clauses prohibiting persons being out of their homes between sunset and sunrise ; the clauses enabling martial law to be proclaimed ; and lastly, those entitling the Lord Lieutenant to prohibit political meetings. It was to the last two parts of the Act that the opposition of O'Connell and the Irish members was mainly

directed ; and it was ascertained that they would not oppose the renewal of the first two parts, if the others were abandoned. At the suggestion of Lord Brougham, who also wrote himself, Mr. Littleton communicated with Lord Wellesley, urging him to agree to a course which would be accepted by the Irish members. His firm belief, he said, was that the wider powers, insisted upon by Lord Grey, would be useless, if the Tithe Bill should be passed, and that their enactment would create great difficulties in the carrying of the Tithe Bill, and would stimulate O'Connell to agitation in Ireland by exasperating him and his party. In view of the general political position, a complete union in the House of Commons between the Government and the great mass of the Irish members was of the first importance, and this would be completely effected by restricting the Coercion Bill as suggested. He urged the Lord Lieutenant to write at once to Lord Grey in this sense. Lord Wellesley adopted this suggestion, and urged it strongly in a letter to Lord Grey. Speaking of the clauses prohibiting meetings, he said their object was to prevent agitation, as the remote cause of outrage ; but "your Lordship cannot forget that they were found useless during the whole course of the agitation for repeal of the Union, and that perhaps the happy result of that agitation is in some respects to be ascribed to the moderation of the Government in abstaining from the exercise of the powers which it possessed. The question of the repeal of the Union is quite extinct, and if, as I hope, an efficient Tithe Bill is passed, it will be impossible to revive the agitation, unless a clamour can be raised on some such question as the renewal of the great and extraordinary powers of an arbitrary enactment without evident necessity."

When Mr. Littleton became aware that the Lord Lieutenant concurred with him in the opinion that the Coercion Bill should be reduced by the omission of the obnoxious clauses, he sought an interview with Lord Althorp. In this Lord Althorp said that

he "feared that Lord Grey would refuse any concession, and might even retire if it were pressed. No Government, however, could ask Parliament for an unconstitutional power in Ireland, the necessity of which the Lord Lieutenant had been led to disclaim. Mr. Littleton might entirely rely on it that the clauses should form no part of a new Bill, as he himself was resolved to resign sooner than allow them now to be renewed ; and Lord Grey could not wish that result." Mr. Littleton then asked whether, as he knew that O'Connell was about to enter immediately on a new course of agitation in Ireland, previously to the threatened renewal of the Coercion Act, it would not be prudent to see him and apprise him that the precise form and extent of the measure were not decided on. Lord Althorp sanctioned this course, cautioning him, however, not to commit himself by any detail. In accordance with this arrangement, Mr. Littleton invited O'Connell to come to the Irish office, and there confidentially informed him that the Coercion Bill would not be renewed in an objectionable form; that it would be confined to agrarian disturbances, as the Irish Government was of opinion that any other enactment was unnecessary ; that he himself would not vote for any other measure than one directed against agrarian disturbances ; and he warned O'Connell against any agitation in Ireland until he should have seen the new Bill. O'Connell, in his subsequent explanation, supplemented this account of the conversation, by the statement that Mr. Littleton urged him to withdraw the Repeal candidate, who had been started against the Government candidate in the then pending election for the county of Wexford. Mr. Littleton denied this, but admitted that the Wexford election was mentioned, and that he had cited O'Connell's letter to the electors of that town as evidence that he seemed disposed to enter upon a violent opposition. What is certain is, that after this communication O'Connell withdrew the Repeal candidate for Wexford. Whatever may have

actually passed between O'Connell and Littleton at this interview, the latter evidently went far beyond the authority given him by Lord Althorp.

A few days later a meeting of the Cabinet took place, at which, in spite of the Lord Lieutenant's letter, it was determined, at the instance of Lord Grey, to renew all the clauses of the Coercion Act. Lord Althorp in vain objected. On July 1, Lord Grey introduced the Bill, quoting as justification for it the earlier letter of Lord Wellesley, of June 11, and suppressing altogether the more recent letter of June 21, in which the Lord Lieutenant had expressed a contrary opinion. The House of Lords, therefore, and the country were left under the impression that the powers asked for were regarded by its Government as indispensable to the peace of Ireland. This led at once to an explosion in the House of Commons. O'Connell, indignant to the last degree, and believing himself to have been tricked and deceived by the Ministers, exposed the whole affair, and repeated at length his version of what had passed between himself and Mr. Littleton, including the important statement that the Lord Lieutenant did not consider the obnoxious clauses of the Coercion Act to be necessary. Mr. Littleton could not deny this, and could only complain of the breach of confidence on the part of O'Connell. The latter defended himself by saying, "The conversation, I admit, was of a confidential character, but that confidence was limited. The understood secrecy was suspended by Mr. Littleton's treachery, I do not say designedly, but by his actual treachery and deceit on me. He told me that the Irish Government was opposed to the renewal of the clauses; that the Lord Lieutenant and himself were against their renewal; that the Bill would not be renewed, but only a short measure for suppressing agrarian outrages introduced instead. I told him that no one could be more anxious than I should be to assist the Government in that object, and that he might reckon on my assistance. In consequence of that con-

versation I wrote over to the county of Wexford, and the candidate whom I had started there in the Repeal interest declined the contest. Mr. Littleton secured an advantage over me—my neutrality in the Wexford election, and my support in the debate on the Tithe Bill.” Mr. Littleton and his colleagues repudiated the imputation of treachery and deceit, and renewed their complaints against O’Connell for betrayal of confidence. Looking, however, at the matter from the point of view of O’Connell, who had undoubtedly withdrawn his candidate from Wexford, on the assurances given him as to the intentions of the Government, it is not reasonable to condemn him for concluding that he had been deceived, and for exposing what he believed to be an unworthy trick.

As a result of these disclosures, as soon as it became known that the Lord Lieutenant was prepared to govern Ireland without the clauses objected to, it was obvious that the House of Commons would never be induced to pass them. Mr. Littleton sent in his resignation; it was not accepted by Lord Grey. Two days later, Lord Althorp himself resigned. He had throughout been opposed to a renewal of the Coercion Act in its entirety, and he could not now support it in the House of Commons, when his opinion had already been made public. Lord Grey, when he found that Lord Althorp could not be persuaded to withdraw his resignation, perceiving that his Government could no longer be carried on without its leader in the House of Commons, that there was no prospect of carrying the Coercion Bill in the form he desired, and that a majority of his Cabinet was against him, determined to relieve his colleagues of the difficulty, in which they found themselves, by himself retiring. He sent in his resignation to the King, and in announcing this to the House of Lords, complained, not without reason, of the way in which he had been treated by some of his colleagues.\*

\* The most authentic account of this transaction, including all the correspondence, is to be found in the “Memoir of Lord Hatherton”



Referring to what had passed between O'Connell and the Irish Secretary, he said, "The communications of Mr. Littleton were not only made without my concurrence, but without my knowledge, and if I had been previously apprised of them, there was no power or influence which I would not have used to prevent them; for I knew, as the event has proved, that communications of any description whatever, even of the slightest nature, could not safely be made to that quarter. It was not for the honour of the Government, and could not be for the benefit of the country, that any communications should be made to the person in question." Nothing could bring out more strongly the difference between Lord Grey and his colleagues, or the distrust with which the former regarded O'Connell. Any communication with the Irish leader was in Lord Grey's opinion dishonourable to the Government. Lord Althorp and Mr. Littleton, having to face the Parliamentary difficulty, felt the necessity of coming to terms with O'Connell.

Looking back at the whole transaction, which is of importance and interest, as an illustration of the effect of Irish questions on the fate of English Ministries, and also as the first case in which agreement and co-operation was sought between members of the Government and the leader of the Irish party, it is difficult not to conclude that the proceedings on the part of Lord Grey's colleagues, in their negotiation with Lord Wellesley and O'Connell, were in the nature of a manœuvre, carried on behind his back, with the object of making his position on the Coercion Bill untenable. Nor can Lord Althorp be quite justified in permitting Mr. Littleton to enter into any communications with O'Connell, until a decision had been arrived at by the Cabinet as to the Coercion Bill. It is also difficult to justify Lord Grey's course, in insisting upon renewing the Act in its entirety, in view of the declared opinion of the Lord Lieutenant, that the (Mr. Littleton). Lord Brougham's account of it in his autobiography is quite untrustworthy.

obnoxious clauses were unnecessary, and that he could govern Ireland without them. It is even more difficult to find excuse for his action in basing his defence of the Bill on the earlier communication from Lord Wellesley, while suppressing the later one in which the contrary opinion was given. That Lord Althorp, Lord Brougham, and Mr. Littleton were justified in their line of policy cannot now be doubted. It was of the highest moment, with a view to the tranquillity of Ireland, and the passing of remedial measures through the House of Commons, that a conflict with O'Connell and the Irish members should be avoided, and that agreement should be come to with them as to the nature of the coercive measure to be applied for.

It must be admitted that in agreeing to the agrarian clauses of the Coercion Act, and in confining his opposition to those suppressing public meetings and permitting martial law to be proclaimed, O'Connell was most moderate. His co-operation for the administration of Ireland, and for the conduct of business in the House of Commons, was most necessary; and the sequel showed that it was obtained, not only without sacrifice of any measure of necessity to the Irish Government, but with enormous advantage to the people of Ireland. Lord Grey, in fact, equally with Mr. Stanley, belonged to a school of Whig politicians, of whom there have ever since been exponents, who believe that Ireland is to be governed by force; that, before any remedies can be applied, all disorder and agitation must be put down; and who are utterly opposed to any negotiations or agreement with the leaders of Irish opinion. High-minded, liberal, and enlightened as Lord Grey was, and valuable as his services had been to the Liberal party, especially in relation to reforms for England, it cannot be doubted that his retirement was of advantage to the country. His conceptions of policy for Ireland were mistaken and mischievous; they tended to aggravate the mischiefs which he proposed to remove; and they were founded

upon false principles, inconsistent with those on which popular government alone can rest. His government of Ireland during the four years of his Ministry was not to be distinguished from that of his predecessors, and was worse in this sense, that it created deep and bitter disappointment, just in proportion as the hopes and expectations of its people had been raised.

On the retirement of Lord Grey, Lord Melbourne was appointed Premier. Lord Althorp and Mr. Littleton withdrew their resignations, and the Ministry went on much as before, but without Lord Grey. Lord Duncannon (afterwards Lord Bessborough) was appointed Home Secretary. Thus it happened that a second time within the year a ministerial crisis arose on an Irish question, and was only terminated by the resignation of a Minister, who in other respects had the confidence of his party and of the country. The changes were very grateful to O'Connell. He highly approved the appointment of Lord Duncannon as Secretary of State for the Home Department. He trusted this statesman as one prepared to act honestly and fairly by Ireland, and to administer justice impartially. He gave support to a moderate measure, conceding limited powers to the Irish Government in proclaimed districts for the purpose of putting down agrarian outrages, but which did not interfere with the free expression of public opinion at meetings.

Later in the autumn, on the death of Earl Spencer, and the consequent removal of Lord Althorp to the House of Lords, it became necessary for the Government to find a new leader in the House of Commons. On Lord Melbourne proposing Lord John Russell for this task, the King availed himself of this as an excuse for dismissing his Ministers, alleging as a reason his unwillingness to leave in their hands the framing of any measure for dealing with the Irish Church. The King appears to have succeeded to the scruples of his father and brother on the subject of this establish-

ment. His fears had, earlier in the year, been worked on by a deputation of the Irish bishops, deprecating any changes in the *régime* by which they were personally such gainers. The King, in reply, assured them that the Irish Church should be preserved unimpaired by him; and that if any of the inferior arrangements in its discipline required amendment—which, however, he greatly doubted—he hoped it would be left to the bishops to correct them, without interference on any hand. He was completing, he said, his sixty-ninth year, and must be prepared to leave the world with a conscience clear in regard to the maintenance of the Church. “I have spoken,” he concluded in tears, “more strongly than usual, because of unhappy circumstances that have forced themselves upon the observation of all. The threats of those who are enemies of the Church make it the more necessary for those who feel it their duty to the Church to speak out. The words which you hear from me are indeed spoken by my mouth, but they flow from my heart.” He was now, he thought, in a position to give earnest of his zeal for the Church of Ireland, by dismissing the Ministers who had given indications of their intention to tamper with the funds of this institution. His action in so doing was scarcely within the limits of the constitutional exercise of the royal prerogative. There was no reason to suppose that the Ministry had forfeited the confidence of the House of Commons. The retirement of several of the leading Whig statesmen from the Cabinet had no doubt weakened the Government, but it still retained the support of a substantial majority of the House of Commons, and of the bulk of the Liberal party in the country.

The Whig Government, which was put an end to by the King in this summary manner, had lasted, under Lord Grey and his colleagues, for four years; it had carried the Reform Act, the greatest political measure of the century; and in the Reformed Parliament had also done most excellent work in legislation for Great

Britain. As regards Ireland it had been a failure. It had fulfilled no expectation. Under the influence of Stanley it carried on the old traditions of ascendancy, and had proved itself unable to devise remedial measures. In the autumn of 1834, and before the dismissal of the Government, O'Connell had written a series of letters to Lord Duncannon, the Home Secretary, in deprecation of the Irish policy of Lord Grey. "The Irish people," he said, "complained loudly of the misconduct of the reforming administration (called, for shortness, Whigs) towards them and their country. They alleged that since Lord Grey had come into office nothing had been done for Ireland. Their enemies had been promoted and rewarded, their friends calumniated and prosecuted. Never was there known a more ungenial or hostile domestic administration in Ireland." It is impossible to gainsay this description of the Reform Government of Lord Grey. It was, indeed, most unfortunate for the relations of the two countries that the great wave of popular opinion in the reformed Parliament was allowed to expend itself, without effecting anything for Ireland. O'Connell went on to say that it was his main object to reconcile, if possible, the popular party in Ireland with the Liberal Ministry, to make them part of its strength, and not of its weakness, and in particular to strengthen the Ministry in the approaching collision with the House of Lords. The reform of that House, he added, was essentially necessary to the establishment and security of popular freedom, and to a good understanding between the two countries. How right he was in his forecast of the attitude of the Lords on Irish questions will be made clear by the events of the next few years,

## CHAPTER II.

ON the dismissal of Lord Melbourne, the King, by the advice of the Duke of Wellington, entrusted Sir Robert Peel with the formation of a new Government. Peel invited Stanley and Graham to join him, but in vain. They refused to enter the new Cabinet, lest their motives in their recent resignations should be misconstrued. They offered, however, an independent support, so long as the new Ministers should appear willing to carry out Liberal measures, and they promised not to coalesce with the Whigs for the purpose of defeating the Government, unless they saw a legitimate prospect of the formation of another administration, which would better carry their principles into effect. In fact, Stanley and Graham uniformly supported Peel, in office and out of office, till 1841, when they finally joined the Tory party and became members of his second Ministry.

Peel, without waiting to meet the House of Commons as Premier, obtained the consent of the King to a dissolution of Parliament, and a general election, consequently, took place in the early days of 1835. The elections in England resulted in great gains to the new Government. In Scotland and Ireland the ministerial gains were much fewer, and their party was still in a small minority; but the English counties, in consequence mainly of the occupation franchise, which added so largely to the influence of landowners through their tenants, returned to their old party allegiance. Owing to them, the Ministry secured a considerable majority in England, and would have had a majority of the

whole House but for Ireland, which turned the scale against them. This was at once clear when, upon the assembling of Parliament, a party contest took place on the election of Speaker, and Mr. Abercromby was elected by a majority of ten against the former Speaker, Mr. Manners-Sutton.\* Of English members there was a majority of twenty-three for the Tory candidate, but the balance was turned in the opposite direction by the Scotch and Irish members, and especially by the Irish, of whom there was a majority of twenty against the Ministers. Another test vote was speedily taken on the address, by an amendment moved by Lord Morpeth, expressing dissatisfaction at the dissolution of the last Parliament—a course by which it was alleged the progress of reform had been interrupted and endangered. The Ministers were again defeated by a majority of seven, although they had a majority of English votes of thirty-two.

The debate was chiefly remarkable for a speech of O'Connell, in which he practically defined the conditions on which his party would support the Liberals, in turning out the Government, and in forming a new administration. He said, that after the rejection in the previous years of his motion for the repeal of the Union, there had been a continually increasing desire and determination among all Liberals to attend to the wants and to alleviate the sufferings of Ireland. There were three demands he would make on the Liberals whenever, by his aid, they should be restored to power. He would demand an amendment of the Irish Reform Act; the application of the surplus revenues of the Irish Church, after providing for the spiritual wants of the Irish Protestants, to purposes of charity and religion for the whole of Ireland; and lastly, a thorough reform of the Irish corporations, establishing the principle of popular control in all the municipalities of the country. In the recent election, he added, his watchword had been

\* Division—For Mr. Abercromby, 316; for Mr. Manners-Sutton, 306.

“repeal,” but he now declared that he would suspend that question. His intention was to give time for the three measures he had mentioned. If they were conceded, after a fair and ample trial, he would give up repeal; if they failed, he would resort to it again.

O’Connell’s demands, when regarded by the light of later experience, cannot but appear to be most moderate. He did not even ask for the disestablishment or complete disendowment of the Protestant Church, nor even for an equitable redistribution of its income among all sects, but merely for the reduction of its temporalities to a just proportion to the needs of its congregations, and for the application of the surplus funds to other purposes. It is clear that he would have been glad to accept any arrangement by which some advantage, such as that of glebes, could be secured to the Catholic priests. What folly on the part of the Protestant party in Ireland, and their Tory friends and supporters in England, not to accept this compromise! It afforded an opportunity, late as it was, of making the Union acceptable to the bulk of the Irish people. There can be little doubt that a direct compact was arrived at between O’Connell and the leaders of the Whig party—a compact by the terms of which the Irish members were to join in defeating the existing Government of Peel, and in restoring to power Lord Melbourne and the late Ministry; and in return for this the Liberal party was pledged to carry out two at least of the three reforms which had been indicated by O’Connell. The history of the next six years consists mainly, so far as Ireland is concerned, in the efforts of the Whig Ministry to effect these reforms, and in the successful resistance to them by the Tory party through the agency of the House of Lords.

Sir Robert Peel and his Government clung to office in spite of their two serious party defeats, but it was only to meet their fate upon a more direct issue. It came about in this way. The responsibilities of office, short as their tenure had been, had already shown them that



it was essential for the peace of Ireland that the tithe question should be settled. They now perceived that the House of Lords had made a great error in throwing out the Tithe Bill in the previous year. Such a measure was even more required in the interest of the clergy of the Irish Church than of the tenants, for tithes were practically irrecoverable, and all the force of the Government had failed to collect them against the universal resistance of the peasantry.

Their first attempt at legislation was to introduce a Bill, scarcely to be distinguished from that which the Lords had rejected the previous year, for commuting tithes into a land tax, payable by the landlords, and recoverable by them as part of their rent. In introducing the measure, the Irish Secretary said, "The urgency and magnitude of the evil render it absolutely necessary that Parliament should attempt to rescue society in Ireland from the disorganized state into which it has been thrown by the tithe question. Intimidation has been carried to such an extent as to render it utterly impossible to proceed with the collection of these dues. It is well known that the turbulent man who disobeys the law is rewarded, whilst the peaceable subject is liable to suffer ill treatment in his person, and to have his property destroyed, if he attempts to obey the law by paying tithe." While this measure was being proceeded with, Lord John Russell, as leader of the Opposition, moved a resolution on the subject of the Irish Church, with a view to the application of any surplus revenues, not required for the spiritual care of its members, to the general education of all classes of the people, without distinction of religious persuasion. It was strongly opposed by the Government, assisted by Stanley and Graham. Sir Robert Peel based his arguments against it mainly on the ground that the maintenance of the Irish Church was a fundamental part of the Act of Union; that this Act differed from any ordinary law, in that it was a national compact, and embodied the condition on which alone the Protestant Parliament

of Ireland resigned itself and its Church—namely, that the continuance and preservation of the Established Church of Ireland should be deemed and taken to be an essential and fundamental part of the Union.

In the course of the debate, O'Connell repudiated in the strongest language the policy of endowing the Catholic Church with any of the surplus revenues of the Protestant Church. "Ireland," he said, "did not ask for a Catholic Establishment; on the part of Ireland he repudiated such an idea. The Irish people desired equality in every respect, except that they would not accept a shilling for their own Church. The voluntary principle had answered every purpose, and they desired no connection with the State." He again asserted his willingness to abandon agitation for Repeal if full justice and equality were granted to Ireland. "How did Parliament endeavour to reconcile the Irish people to the Union? By showing that they were unwilling to do justice to Ireland. His own opinion was well known. He was ready to give up repeal. The Union never had fair play. He was told the House was disposed to do justice to Ireland. Let them not tell him so, but show it. Let them beware, however, how they disappointed the just expectations of Ireland, lest they should instigate its people to appeal to a policy of revenge." The resolution was carried against the Government by a majority of thirty-three. Lord John Russell then moved to add a clause to the Tithe Bill, practically carrying into effect the policy thus approved by the House. This again was carried against the Government by the same majority. Peel at last, and somewhat tardily, finding that he had no longer any hope of retaining control over the measures of his Government, tendered the resignation of his Ministry; and thus for the third time since the Reform Act a Prime Minister was compelled to resign office on its Irish policy.

Lord Melbourne was again summoned by the King. He formed his Government again substantially on its former lines, with the omission, however, of Brougham,

who was not reappointed Chancellor. Lord John Russell, as Home Secretary, led the party in the House of Commons; Lord Palmerston was Foreign Secretary. Lord Mulgrave (later known as Lord Normanby) was sent to Ireland as Lord Lieutenant, with Lord Morpeth as his Chief Secretary, and his representative in the House of Commons.

The first question for the new Ministers was their relations to O'Connell, and whether he should be invited to join them in the Government. The Liberal party had succeeded in defeating the late Government solely by the aid of the Irish vote. It was evident that the new Ministry would be dependent for its existence on the constant support of this section. O'Connell had been very active in his personal exertions during the last six months against the Tory Government; his influence in Ireland had never been greater; over forty members had been returned as his personal followers, and might be relied on to vote as he bid them; among them were his three sons, and three others of his relations, returned simply on this account. He was, in fact, master of the position; he could make terms for himself, or his party, or for Ireland. If he had shown himself dissatisfied, the new Ministry could not have lasted a week. He was not unambitious of office. Lord Mulgrave, immediately on being appointed Lord Lieutenant, entered into relations with him, and held out expectations that he would be appointed Attorney-General for Ireland.\* He might well indeed have expected to be included in the Cabinet, with the office of Irish Secretary; but, short of this, there was no post for which he was better qualified, or where his powers could have been more fully exercised, than as principal law adviser to the Irish Government. It appears, however, that Lord Mulgrave spoke without authority.

\* The story of the negotiations between the Whig Government and O'Connell is narrated at length, and for the first time in fulness, by Mr. McCullagh Torrens, in his "Life of Lord Melbourne," vol. ii. pp. 117-121.

The new Ministers, when consulted, were unable to agree even upon this tardy and inadequate recognition of O'Connell's claims. Some of them even threatened resignation if the appointment were persisted in. The King himself raised difficulties, and expressed himself as greatly alarmed by the proposal. He wrote a strong protest to his Minister; and Melbourne was obliged to tell the King that there was no intention of employing O'Connell. Mr. Ellice, a well-known confidant of the leading Whigs, was instructed to communicate to O'Connell the unwelcome fact that the Ministers could not carry out Lord Mulgrave's promise.

"Many years after," says Mr. Torrens, "Mr. Ellice described how he undertook the task. He waited on O'Connell and told him frankly that he was the bearer of very unwelcome tidings; that, notwithstanding all he had had done, and had it in his power to do for the Liberal party, his best friends were unable to overcome for the moment the prejudices against him, and unless he consented magnanimously to waive his personal claims, all chance of forming a new Ministry must be abandoned. O'Connell did not hide his disappointment. He said that he had looked forward with no little pride and satisfaction to the recognition officially of what he felt to be his due. He knew better than those who were jealous of him, the healing and tranquillizing effects that might be produced by his appointment. He added that he wished for it on other grounds. 'He longed for the opportunity of proving to the Protestants of Ireland that when in power he could and would do them justice.' No protestation however warm, or forbearance however disinterested, would ever disarm the apprehensions of the Protestant Ascendency; and while these apprehensions lasted, and Catholics were excluded in their own land from their just share in the Government, peace and contentment there could never be. . . . He had meant to fill the office as it had not been filled for many years, and, with a view to a generous hospitality, he had already made inquiries about a mansion suitable

for the purpose. Ellice did everything to soothe him, and particularly dwelt on the difficulties of the moment, suggesting that all would be well were time allowed. . . . What O'Connell really thought of the transaction will never be known ; but that unresentfully and cheerfully he bore his resignation is beyond dispute." \* When new writs were moved in the House of Commons for the constituencies vacated by the appointment of Mr. Perrin and Mr. O'Loghlen as Attorney and Solicitor General, indicating a complete change of policy of the new Government in the administration of Ireland, O'Connell and his supporters rose from their seats on the Opposition benches below the gangway, and crossed to the Ministerial side of the House, in token of their approbation of the new Ministry.

The Government, thus commenced, lasted for six years, till 1841—a period of the utmost importance to Ireland. It represents the only time since the Act of Union when the Government of England was in complete harmony and accord with the popular opinion of Ireland, as represented by O'Connell and its other leaders. During nearly the whole of this period the Government was in close compact with O'Connell. He was consulted on all matters relating to Ireland. To all intents and purposes he was a member of the Cabinet on Irish questions. On his part he agreed to suspend his demand for repeal of the Union, and to give a general support to the Government in Parliament, and to aid the Irish in maintaining authority in Ireland. On its part the Government was pledged to introduce and to carry through Parliament remedial measures for Ireland. The chief of these was to be a Tithe Bill, with a clause appropriating the surplus revenues of the Irish Church to secular purposes ; and

\* Mr. Greville says of this transaction, "It is intended to leave O'Connell out of the arrangement, and at the same time to conciliate him and preserve his support. In this they have succeeded. O'Connell has behaved admirably well, and the difficulty with regard to him is at an end."—Greville's "Memoirs," vol. iii. p. 252.

a measure for the reform of the Irish municipalities ; and, not least, it was agreed that a complete change should be made in the administration of Ireland, that practical effect should be given to the Catholic Relief Bill, by taking the Government of Ireland out of the hands of the party of Protestant Ascendancy, and identifying it with the nation, by the appointment of men with popular leanings and sympathy, and without regard to their religious persuasions.

O'Connell issued a manifesto to Ireland soon after the formation of the new Ministry, in which he committed himself fully to its support. "A new day," he said, "begins to shine upon us ; an administration is formed, pledged as well by its political principles as by its political interests, to do justice to the people of Ireland. I now come before the people of Ireland to avow myself the devoted supporter of that administration. . . . If I see the Ministry persevere for one year in their determination to do justice to Ireland, I shall give them another trial. If the Ministry deceive us, it will demonstrate that Repeal is our only resource." It will be seen that this compact was fairly kept on both sides during the six years of Lord Melbourne's administration. On the one hand the Ministry was kept in power during that period solely by the Irish vote. There was no period at which it was not in danger of being defeated on its general policy in party divisions by a majority of the English members. The Irish party turned the scale, and supported Lord Melbourne's Government throughout this period with unswerving constancy. In return for this, the Government proposed the measures which had been promised, and carried them through the House of Commons in successive years. It will be seen how the Tory party, defeated in the House of Commons, used their great majority in the Lords to defeat these measures, to embarrass the Government, and to prevent a cordial feeling between England and Ireland based on principles of equality and justice. Above all, the new

Government faithfully carried out its promises as regards the administration of Ireland. A complete change was made. The old principles and practice of Protestant Ascendency were put aside. Ireland was administered upon principles in accordance with the Catholic Relief Act. The Government, instead of being the instrument for securing the political supremacy of one sect, for the first time held the balance impartially between all sects. In place of siding uniformly with the landlords against their Catholic tenants, it determined that justice should be equally administered to all, and that no class or interest should be allowed to consider itself above the law, or in a position to impose its terms on those below it.

In carrying out this policy, the Government had the good fortune to secure, as its principal agent in Ireland, a man of exceptional ability and force of character. Thomas Drummond, a native of Scotland, an Engineer officer of distinction and great scientific attainment, had for some years been employed on the survey of Ireland, and in that capacity had visited every part of the country. His great inventive faculties, called into action by the exigencies of his work, brought him into contact with the most eminent men of science in England, and through them with the political chiefs of the Liberal party. He was subsequently employed in the preparation of details for the Reform Bill, and then for two years as Lord Althorp's private secretary. He was now selected for the post of Under-Secretary to the Lord Lieutenant—a post of great importance, which has become political in its character. A more fortunate selection could not have been made. He was a man of great independence of judgment, tenacity of purpose, and power of work; ready in action, versatile in expedient, of the greatest moral courage, and of great observance—a quality by which, during his work on the survey, he had become intimately acquainted with the Irish people of all classes; and, above all, with a great fund of human

sympathy (so especially valuable in dealing with the Irish people), controlled by the principles of justice and impartiality, and tempered by a cool and calm judgment. "It was the rare union of thought and feeling," says Dr. Madden, "of a generous nature with a scientific mind, that won for Drummond the mingled admiration and esteem of so many of the best men of all parties in Ireland. It was this union also that enabled him to acquire his unrivalled knowledge of every class of Irishmen."\* Drummond speedily made himself the life and soul of the Irish administration. If credit is due to Mulgrave and Morpeth for the policy of the next four years, it is mainly that they gave full scope to Drummond, and adopted and defended his proposals rather than they themselves devised them.

The first and most important duty of the new administration in Ireland was to enforce a policy of strict impartiality between the various religious bodies. With this object, fitness alone, and altogether apart from religious belief, was made the qualification for appointments under the Government. Eminent Catholic lawyers were for the first time selected for the post of law officers of the Crown, or were raised to the Bench. Catholic magistrates were appointed, not because they were of that faith, but because they were suitable for the duties entrusted to them. The police force had hitherto been the monopoly of the Protestants; by Drummond's advice Catholics were now admitted to it freely and without question. "The appointment of Catholics," he said, "tends to render the force more popular, and by rendering it more popular it is able to perform its duties much more effectually. In a Catholic population I should prefer a Catholic police."†

Catholics were also admitted to the duty of serving on juries in criminal cases. Hitherto it had been the invariable practice of the Crown to set aside from the list of persons appointed by the sheriff to try cases, all

\* Madden's "Irish Leaders"—"Drummond."

† McLennan's "Life of Drummond," p. 275.



who were Roman Catholics, or even of Liberal opinions. The effect was highly prejudicial to the administration of justice. The Irish people were never satisfied with the impartiality of the legal tribunals. This practice was now abandoned by the advice of Drummond. Directions were issued by the Government to the Crown prosecutors throughout Ireland, to the effect that they were to discontinue their habit of ordering jurors to stand aside on account of their religious or political opinions. The effect of this was excellent; confidence revived in the administration of justice and crime greatly diminished.

Another principle maintained by Drummond was the reliance on the ordinary powers of the law, and the impartial exercise of them, for the maintenance of order and for putting down outrages and crime, rather than the application to Parliament for arbitrary powers to be exercised by the executive, without the restraints and securities which are considered necessary by the Constitution. For this purpose it was decided to re-organize the constabulary, to weed the magistracy of its untrustworthy members, to increase the number of stipendiary magistrates, and to make it clear that the agents of the Government must everywhere be impartial. Drummond's power of organization was of the utmost value in the case of the police. He made the Irish constabulary what it has ever since been, a semi-military body of the greatest efficiency. A competent critic, General Larcom, his successor in the post of Under-Secretary, has said that Drummond converted the police into the most effective body of men in Europe; and that it became under his hand an almost perfect machine, which, like a delicate musical instrument, responded at once from the remotest part of Ireland to his touch in Dublin Castle.\* It may be doubted whether such a highly centralized system is a wise one for any country; but under the then conditions of Ireland it was perhaps the best means of maintaining

\* "Life of Drummond," p. 266.

order, and of securing impartiality in the administration of justice. It may be observed that Drummond refused to allow the police to be made use of, to the extent that had previously been the practice, in supporting proceedings for distraint of tenants' effects for rent and tithes. When satisfied that there would be a breach of the peace, the police were ordered to attend tithe sales; but, as a rule, the executive, under his advice, manifested an unwillingness to allow either police or soldiers to be employed as tithe-proctors. This had an excellent effect in disconnecting these forces with an impost which was odious to the people.

With respect to the magistrates, Drummond kept as tight a hand as possible on their proceedings, and extended the system of appointing stipendiary magistrates. "Grossly," he said, "have the local magistrates abused their power in many, very many, instances; but their wings are clipped, and I hope and believe there is some chance of justice being better administered soon, and ultimately being well administered. The confidence of the people will be regained; though given to the Government, it is withheld from the local courts, and no wonder."\* Crown prosecutors were appointed for the several counties in Ireland, and by their employment at the quarter-sessions, many offenders, who escaped through the laxity of the former system, were put to trial, and the proportion of convictions to committals was largely increased. Witnesses were also protected by the Government before and after trials. At the same time, while evidence was daily given to the people that crime would be detected and punished, they were also convinced that the Government was supreme over the magistracy, and would not allow them to commit injustice with impunity, or to excite violence among the people. A Captain Verner was dismissed from the commission of the peace for the county of Armagh for having given as a toast at a public dinner "the battle of the Black Diamond," in commemoration of a lawless

\* "Life of Drummond," p. 278.

and disgraceful conflict in 1795, when the Orange party came into existence.

Drummond's policy has been better known by the aphorism, "Property has its duties as well as its rights," which he first used in an official letter. An outrage having occurred in Tipperary, the magistrates of the county, thirty in number, headed by Lord Glengall and Lord Lismore, wrote a remonstrance to the Lord Lieutenant on the state of the country, begging that legislation might be passed for conferring upon them exceptional powers. Mr. Drummond replied on behalf of the Irish Government, in a letter in which, after denying that the serious outrages in the county of Tipperary were justly to be ascribed to the existing state of the law, or to the manner in which it was administered, he said, "When the character of the great majority of serious outrages occurring in many parts of Ireland, though unhappily most frequent in Tipperary, is considered, it is impossible to doubt that the causes, from which they mainly spring, are connected with the tenure and occupation of land. But his Excellency feels that it would be quite impossible in this communication either to enter into an examination of the lamentably destitute condition of a cottier tenantry, possessing no adequate means of continuous support, or to advert in detail to the objects for which the formation of such a class was originally either permitted or directly encouraged. If from political changes, or the improvements in modern husbandry, these objects are not any longer to be attained by the continuance of such a state of things, his Excellency conceives that it may become matter of serious question whether the proprietors of the soil are not in many instances attempting too rapidly to retrace their steps, when he finds that the number of ejectments in Tipperary in 1837 is not less than double the number in 1833. The deficiency of a demand for labour, and the want as yet of any legal provision against utter destitution, leave this humble class when ejected without any certain protection against actual starvation.

Hence the wholesale expulsion of cottier tenants is unfortunately found with the great body of the people to enlist the strongest feelings—those of self-preservation—on the side even of guilt in vindication of what they falsely assume to be their rights. ‘Property has its duties as well as its rights;’ to the neglect of these duties in times past is mainly to be ascribed that diseased state of society in which such crimes take their rise; and it is not in the enactment or enforcement of statutes of extraordinary severity, but chiefly in the better and more faithful performance of these duties, and the more enlightened and humane exercise of these rights, that a permanent remedy for such disorders is to be found.” This letter fell like a bombshell among the Tipperary magistrates. The Lord Lieutenant of the county, Lord Donoughmore, to whom it was addressed, would not allow it to be published. It was so worded, he thought, as to throw the blame upon the landlords of having been the authors of the outrages. Its publication was due to a motion in the House of Commons by Mr. Hume; it was then disseminated broadcast over Ireland, and was proof to the peasantry that the Government was above even the landlords and magistrates. Some dispute has arisen as to the authorship of these now celebrated words, “Property has its duties as well as its rights;” but there is no question that the letter was drafted by Drummond, though approved subsequently by the law officers and the Lord Lieutenant, and he always accepted the responsibility for them.\*

By these concurrent lines of policy the state of Ireland was greatly improved, and crime rapidly diminished. It is certain that the happy relations of O’Connell to the Government greatly contributed to the same result. For the first time the support of O’Connell, and of all the popular forces at his command, were enlisted openly and fully on behalf of the administration.

\* See the discussion on this point in McLennan’s “Life of Drummond,” pp. 334–336.

The Government, instead of holding aloof from the Irish leader, and treating him as a political pariah, was in constant communication with him. When he was in Dublin, Drummond saw him frequently; he was also, for the first time, a guest of the Lord Lieutenant. The rulers of Ireland have too often forgotten how important it is, in the interest of order, that they should be in a position freely to communicate with the leaders of the national and popular party. It is impossible to govern a country, especially under a Parliamentary system, and to preserve order, if a large majority of the people are so completely alienated, that their leaders are not even allowed to approach the Government departments.

Reverting to the proceedings of Lord Melbourne's second Ministry, although it was not till the middle of May that the Government was able to meet Parliament, it then lost no time in bringing forward important measures for Ireland, in pursuance of the understanding with O'Connell. Two Bills were introduced and carried through the House of Commons—a Tithe Commutation Bill, with a clause for the appropriation of the surplus revenues of the Irish Church to secular purposes; and a Bill for the reorganization of the Irish police, by which alone the changes contemplated by Drummond could be carried into effect. Both were rejected by the House of Lords, or were so dealt with by that assembly as to necessitate their abandonment by the Government, and practically the session passed without any legislation of a remedial character, so far as Ireland was concerned.

The Tithe Bill was not different in principle or substance from that introduced by Sir Robert Peel's Government; it varied only in respect of the proportion of the rent-charge to the existing tithe, which was now fixed at £70 for every £100 of the latter. The clause appropriating the surplus income of the Church to other purposes was moderate in its scope. It was estimated that the suppression of superfluous

bishoprics and of 860 benefices in parishes with few or no Protestants, would result in a fund with an income of rather less than £60,000 a year. It was proposed to hand this over to the Commissioners of Education in Ireland, to be applied by them to the religious and moral instruction of all classes, without distinction of religious persuasions; not a very large proposal in mitigation of the national injustice to Ireland of the Established Church, and scarcely one which might be expected to rouse the enthusiasm of Reformers, or to excite any great opposition from those who objected to the policy of dealing with the Church funds; it led, however, to prolonged party contests in this and succeeding sessions.

Sir Robert Peel met the proposal with a motion to separate the measure into two, with the object of passing the Tithe Commutation Scheme, and suppressing the appropriation clauses. He contended, with a great array of figures, that after the reduction of the tithes caused by the proposed commutation, and the adequate provision of the clergy of the Irish Church in benefices, which it was admitted should be left undisturbed, there would be no remaining surplus. He maintained that "the surplus was a dishonest pretence, and that what they were asked to do would only tend to encourage delusive hopes, and would ultimately undermine the Protestant Establishment, by destroying the independence of the clergy and making them stipendiaries of the Government, and by holding them out to the public as individuals who interrupt their rights, who crowd and block up the avenues of knowledge, and who appropriate to themselves those funds which ought more properly to be devoted to the purposes of education." The clergy of the Establishment, he said, would be placed in a position which would be deeply injurious, if not fatal to the interests of their Church. In spite of this and other powerful speeches from Stanley and Graham, the clauses were carried by a majority of 31 in a House of 601. In the House of Lords, the appropriation clauses

were rejected by a majority of 92 ; the division being 41 only for the Government, and 138 against them. The Ministers after this rebuff abandoned the Bill, and allowed the tithe question, with all its embarrassments to the clergy, to stand over.

In the following year (1836), the Government again introduced their two rejected measures of the previous year, and added to them another most important Bill for the reform of the Irish municipalities, following on the lines of the great measure, which had been carried in the previous year for the reform of the English municipal corporations. With respect to the Tithe Bill, Lord Stanley moved, on its second reading, as an amendment, for leave to introduce a Bill without the appropriation clauses ; this was rejected by a majority of thirty-nine. The only incident of the debate worthy of notice was a speech of O'Connell, in which he abjured and repudiated the idea of the establishment of the Catholic Church in Ireland. If connected with the State, the Church would lose much of its force as against other creeds, and much of its power over the human mind. With respect to the appropriation clause, he said that Ireland had confidence in the good intentions and disposition of the Government, and this confidence had produced in Ireland a lull and a pause, not of despair, but of hope and reliance. Who could contemplate without dismay the results that might follow in Ireland, if that confidence were removed, and if their hopes were disappointed by the rejection of the Bill ? The Bill met the same fate in the Lords as that of the previous year, and was again withdrawn by the Government.

On the Bill for reforming the Irish municipalities it was shown that, although a considerable number of corporations had become extinct since the Union, about fifty were still in existence. These, however, with rare exceptions, were in the hands of very close bodies, who had a monopoly of them. Although, by the Irish Act of 1793, Catholics had been admitted by law, yet in

practice they were still excluded from their corporations. The freemen recruited their ranks only from Protestants. The whole management, therefore, of these bodies was in the hands of Protestants, and no Catholic could obtain admission to or employment by these bodies. It was proposed to sweep away all these monopolies and privileges, and to make the municipal councils elective by the citizens, irrespective of creed. For the seven largest towns a £10 occupation franchise was proposed, and for the smaller towns a £5 occupation franchise. The measure met with most persistent opposition. Peel moved to omit the clauses for reconstructing the corporations. He did not vindicate the maintenance of the existing municipalities in Ireland, but he would not consent to the substitution for them of other elective bodies. In the present state of Ireland he saw no necessity for the continuance of corporate bodies. "Our object," he said, "ought to be, not to assimilate the system of Ireland to that of England, but to ascertain by what system equal privileges and equal laws might be secured to all. If by self-election, as now was the rule with these corporations, one class is practically excluded, that system is defective; but if, by a principle of popular election, predominance is given to one political party over another, and the administration of justice is left in the hands of the dominant party, then, whatever the theory might be, the principle is calculated to work injustice, and popular election is equally defective as self-election." O'Connell, in reply, warned the House of the effect of denying to Ireland the principle of popular self-government which they had granted to England. "England and Scotland," he said, "had secured corporation reform; where was the repealer who would say Ireland was not to have it? Was there any real union between the two countries? There was the parchment, it was true; but the reality was wanting as long as Ireland was treated unequally in such matters. He had been called a professor of agitation, and so he was; but would



they make him less so by refusing justice to Ireland? Agitation was sometimes wholesome. If waters were not agitated they became stagnant, and peaceable political agitation was essential to freedom. The people were naturally sluggish; if they were tolerably protected they were apt to become torpid; and peaceable political agitation was a privilege which wise men would welcome. The people of Ireland were anxious for a repeal of the Union; they naturally felt a pride in their independent legislature. And there was a period when he was of the same opinion; but he came now authorized from three provinces of Ireland, to join the House, heart and hand, if they would join him, in pacifying Ireland. There was only one way in which they could or ought to pacify Ireland—by promoting a real union through a reform of her institutions, by treating her fairly, by giving her equal privileges and equal rights. Deny us that, and again union is at an end."

Stanley answered O'Connell in his usual rough and uncompromising style. "He would not be satisfied that Ireland had equal justice till he saw every man, in whatever station, brought under the control and also under the protection of one and the same law, till he saw life secure, right vindicated, violence restrained, and the law carried into effect for the protection of the people at large. This was his demand for equal justice to Ireland." Peel's amendment was defeated, on a division, by the usual party majority, and the Bill passed through the House of Commons without amendment. The Tory party, defeated in the Commons, fell back again upon their allies in the Upper House, where they had an undoubted party supremacy. The Lords altered the Bill in the spirit of Peel's amendment. They accepted the clauses abolishing existing corporations; they struck out those creating popular institutions in their stead. They effected this change, which practically denied municipal institutions to Ireland, by a majority of 203 to 119 on a purely party

division. Lord John Russell, in the House of Commons, endeavoured to effect a compromise with the Lords by omitting from the Bill all but the twelve largest towns in Ireland, and with respect to these, he restored the Bill to its original condition. The Lords, however, did not respond; they rejected the proposal by a majority of nearly two to one. The measure was then abandoned by the Government.

In the following session (1837), Irish measures once more formed the principal topic in Parliament. Lord John Russell again introduced the Irish Municipal Reform Bill. It was substantially the same as that of the previous year. "I think it right," he said, "to state that I consider it to be a vital question to the Government. I am fully sensible of the evil of bringing forward bills year after year, and suffering them to be defeated and lost, without taking any further step on the subject. I do not think that we could permanently go on, or that we could be fairly entitled to ask for a continuance of the confidence of the House as Ministers, if we suffered principles, against which we decidedly protest, to be applied to the government of Ireland." He then illustrated his policy for that country by quotations from a speech of Mr. Fox in 1797, in which that statesman described the principles of concession on which the government of Ireland should be conducted. "If I found that we had not conceded enough, I would concede more. I would have the Irish Government regulated by Irish notions and Irish prejudices; and I am convinced the more she is under Irish Government the more she will be bound to English interests." Russell defended Lord Mulgrave's administration; he showed that it had led to a great decrease of crime in Ireland. He answered the attacks which had been made on the Government for not suppressing the National Association which had been recently founded by O'Connell. He showed that it had come into existence only in consequence of the House of Lords rejecting Irish measures—rejecting them with insult.

Before that the people had been quiet, trusting in the justice of the Reformed Parliament. Could they wonder that agitation, which had been so successful in the past, should be renewed when such indignities were committed? What was the remedy? To suppress the Association? No; to treat Ireland as they treated England. The measure he proposed was no panacea for all the ills of Ireland. The measure itself would be taken as evidence of the spirit in which Parliament was disposed to legislate, and would create confidence in future remedial efforts. Peel, in reply ridiculed the idea of applying the same measures to Ireland as to England; and said it was no greater insult to refuse municipal institutions to towns in Ireland than it would be to reject a measure for creating such institutions in Birmingham or Manchester. The Bill was carried by a majority of forty-five. In the Lords, the Duke of Wellington moved to postpone consideration of the Bill until after the measures dealing with tithes and the poor law were before them; and this proposal was carried by a majority of 77 in a House of 307. The next subject dealt with was the Irish poor law, which was brought before the House of Commons by Lord John Russell. The measure was supported by Peel, and disapproved of but not opposed by O'Connell; it did not go beyond a second reading.

Lord Morpeth also again introduced an Irish Tithe Bill. Instead, however, of an appropriation clause, similar to that of preceding measures, it contained a plan for imposing a tax on the Irish clergy of ten per cent. of their incomes, to be paid into a fund for educational purposes. O'Connell supported the Bill as an instalment of justice. But before this measure or the Poor Law Bill could be proceeded with, the death of the King brought Parliament to a close, and a general election ensued. O'Connell again did his utmost on behalf of the Whig Ministry. He issued a manifesto to the electors, calling upon them to rally round the first Ministry which during six centuries had

shown a desire to serve the people of Ireland honestly and faithfully. "Ireland," he said, "is ready to amalgamate with the entire empire. We are prepared for full and perpetual conciliation. Let Cork County and Yorkshire be put on an equal footing; let Ireland and England be identified. But for this purpose equality, perfect equality of rights, laws, and liberties, is essentially necessary. We desire no more, we shall take no less. A real effectual union or no union, that is the alternative." The elections did not substantially alter the relative position of parties in the House of Commons. According to the best computations, the Government had a majority in the new Parliament of thirty-four; but the weakness of their position consisted in this majority being entirely due to the support of O'Connell and his followers. In England there was a majority of twenty members hostile to the Government. This was redressed by the representatives of Scotland and Ireland; and the Ministers were still, as in the last Parliament, dependent on the Irish vote for their continuance in office. The alliance still continued; and after the elections O'Connell dissolved his General Association, saying "that he was still in favour of giving a fair trial to the Union; that he would confidently entrust the fortunes of the Irish people to the British Parliament. If the results demonstrated the incapacity of Parliament and Government to do full and complete justice to Ireland, then he would unfurl the flag of repeal again, and call upon Ireland to rally round it."

Four subjects of great importance to Ireland were dealt with in this Parliament—the poor law, the tithe question, the reform of its municipalities, the registration of its voters. The first of these was not a party question as between the Government and the Tory opposition, and it was carried against the will of O'Connell. After the passing of the English Poor Law Act, it was thought necessary to legislate in the same spirit for Ireland. Mr. Nicholls, who had taken an active part in English poor law reform, was sent over to

Ireland, and drew up a report of a most alarming description as to the state of that country. He showed that its population was constantly increasing in a faster ratio than its wealth production and resources; that, owing to the extreme subdivision of the land, the soil was being exhausted by cropping; that there was no legal provision for the destitute, that land was a necessary of life, and consequently competitive rents were extracted from it; that mendicancy was universal, and had ceased to be a discredit; and that there was a general depression of feeling, morally and personally, among the people. He spoke of the desultory and idle habits of a large part of the peasantry; that as there was no test of destitution, the burden of supporting the poor was an exceedingly heavy one, and fell almost exclusively on the lower classes; while the wealthier classes, and especially the absentees, were exempt from any legal liability or even voluntary contribution.

In view of these statements, Lord J. Russell, in 1837, brought in a Bill to introduce the principle of the English poor law to Ireland, with this difference—that it contemplated relief being given wholly in the workhouses, and in no case to those who refused to enter them. For this purpose it was proposed to build a large number of workhouses in Ireland; to constitute Boards of Guardians, of which magistrates were to be *ex officio* members in the proportion of one-third; and to divide the rates equally between landlords and tenants. O'Connell did not in the first instance oppose, but he objected to the proposal to confine relief to the workhouses. He urged that Government aid should be given to emigration; he admitted the necessity for some measure, but his judgment was that the proposal would aggravate rather than mitigate the evils of Ireland. When the measure was reintroduced in 1838, O'Connell met it with direct opposition. He contended that men of all classes in Ireland were opposed to it, and that it would stop the flow of charity. The second reading, however, was carried by a large

majority; only twenty-five members voted against it, showing that the opinion of the Irish members was on the whole favourable to the project. The measure was carried into effect with extraordinary zeal and rapidity, and in a short time the whole country was divided into districts, and no fewer than one hundred and twenty large workhouses were erected. The workhouse test was speedily applied to pauperism. The system was and always has been exceedingly unpopular with the peasantry. Whether an Irish Parliament could have dealt with the question in the same manner may be doubted.

Later in the session Lord John Russell introduced the sixth Bill for dealing with tithes. It made even greater concessions to the opposition than its predecessors. The appropriation clause, on which the Government had come into office, had already been dropped in the previous year. In lieu of it the incomes of the clergy of Ireland were to be taxed to the extent of ten per cent., for the purpose of education. Even this very small concession to the Irish party was dropped. It was now proposed that the tithe should be commuted into a rent-charge of £70 for every £100 of tithe; that after the expiration of the life-interests of present holders, it should be redeemable by the State at sixteen years' purchase, the proceeds to be invested by the Ecclesiastical Commission in land and rent-charges, and the charge itself to be devoted in the future to the payment of the constabulary force, education, etc. In introducing his Bill, Lord John Russell said that, anomalous as the Church of Ireland was, he had come to the conclusion that any measure tending to its destruction would involve an infraction of the Act of Union, endangering the integrity of the empire, and probably occasioning such a shock in the whole ecclesiastical constitution of these realms as would greatly prejudice the Church of England. "To the people of Ireland, therefore, he might say, it is for your advantage that the principles of the Union should be maintained; that general advantage would outweigh

the particular hardships you may complain of in the institutions of your country." In other words, the Union and the maintenance of the Church of Ireland were inseparably connected, and the advantages of the one were so great that the hardship of the other should be cheerfully borne! He added, however, that "while he considered this to be a just argument, he did not expect that it would entirely satisfy the people of Ireland. For that reason he had at all times endeavoured, by some means or other, to involve the Irish affections in objects connected with the Established Church, in order to provide for that Church an additional security."

In spite of this declaration of its policy, the Government now proposed to abandon its own proposal for securing a portion of the property of the Irish Church for other purposes; though a faint semblance of standing by this principle was made in resisting a motion of Sir Thomas Acland, to rescind the former resolution of the House on that subject. The motion was defeated by 317 votes to 298, on a party division; but after this apparent victory, the Government proceeded to surrender at discretion. The measure was cut down to a simple commutation of tithes into a rent-charge. The rent-charge was fixed at seventy-five per cent. of the tithe; the clauses for its ultimate redemption were abandoned, on the suggestion of O'Connell, who does not appear to have seriously resisted the surrender by the Government; the arrears of tithe were remitted; the £1,000,000 already advanced to the clergy, in lieu of their tithes, was treated as a gift; and all claims, either of landlords or tenants, were wiped out. On the third reading of the Bill, Lord John Russell defended this surrender on the ground of the impossibility of carrying the appropriation clause through the House of Lords in the then state of parties; he contended, therefore, that the wiser policy was to abstain from mooted the question. He thought the Bill would be a considerable

mitigation of existing evils. He could not expect that the great body of the people of Ireland would be satisfied with the state of the Protestant Church ; but, so far as that Church was concerned, he thought that the measure would make it more secure. The measure thus passed was identical with that introduced by Peel in 1835, and upon which Russell and the Whigs, supported by O'Connell, had defeated Peel's Government by insisting on the appropriation clause. A Tithe Bill without that clause—to which the Government owed its existence—was now carried by Russell.

Though concurring in the measure, O'Connell was deeply disappointed by the failure to carry the principles of the appropriation clause. He did not escape severe criticism from many of his more ardent followers in Ireland. He defended himself on the ground that the new measure could not be accepted as a final settlement, though it undoubtedly possessed some advantages. The amount of tithes payable was reduced, and the burden was shifted from the tenants to the landlords. He was ready to commence a fresh agitation for the total abolition of tithes. He did not, he said, regret the alliance he had formed with the Government. He was glad of it. It showed he was prepared to make peace between England and Ireland, and he could not be blamed if peace was not established. He was bound to say that the Government had done their best, but the anti-Irish feeling in England was too strong for them. He would not abandon the alliance as yet. He would still try the plan of giving the Union a trial, and if that experiment proved, as he was beginning to think it would prove, the inability of an English Parliament to do complete justice to Ireland, then he would raise the cry of "Repeal" in a way it had never been raised before, and would rouse the nation to redoubled efforts for legislative independence.\*

\* See O'Connell's Public Addresses in Ireland, from August to December, 1838, quoted by Barry O'Brien, "Fifty Years of Concession to Ireland," i. 528.



By the abandonment of the appropriation clause, the attacks on the Irish Church were for the time brought to an end. The measure as it passed was undoubtedly in the interest of the Church. It converted a very uncertain payment from the tenants, which had of late years become almost irrecoverable, into a certain charge, somewhat less in nominal amount, payable by the landlords. The Church was relieved from the odium of collecting the charge from the occupiers of land. It was no longer, therefore, brought into constant conflict with the peasantry of Ireland. The landlords were authorized to add the tithe, as commuted, to their rents, and to collect it from the tenants with their rent. There is much difference of opinion as to how far this was actually carried out. The organs of the popular party unite in saying that this was invariably done. Other writers deny it and state that, as a rule, the landlords paid the new rent-charge without making any addition to their rents. The truth perhaps lies between these statements. Where landlords rack-rented their tenants, it is not likely that they were forbearing enough to pay this rent-charge without increasing their rents. The better class of landlords probably did not add this charge to the rents of their smaller tenants; but in the case of the larger tenants it is scarcely likely that the landlords neglected to follow the course indicated by law. Ultimately, when new adjustments of rent were made, the tithe-charge must have been calculated in the new rents.

If the Church gained by the commutation, and was spared from present attack, it also lost the opportunity of effecting a lasting compromise. It might have made an arrangement with O'Connell, on terms which would have preserved its main possessions and its position for many long years to come. Its supporters in the House of Lords were wise only for their own generation. The Church, as the net result of what was effected by the Reformed Parliament, came out of the contest strengthened for the time rather than weakened. It pre-

sented less glaring anomalies. Its most repulsive features, the superabundance of highly paid bishops, and the numerous benefices without congregations, were removed. But the most glaring anomaly of all, its existence as a State establishment, the Church of the small minority, supported by State endowments for the benefit of the wealthier classes only, still remained. It was more than thirty years before the question was again mooted, and before English opinion could be forced to see what a shameful injustice its existence involved.

It must be admitted that English opinion in the early Reformed Parliament was incapable of perceiving this injustice. The Ministers themselves did not feel it. Their attack was half-hearted. They halted between two opinions—that of justice to Ireland, and of respect for the Church. They endeavoured to combine these opinions by taking a small portion of the funds of the Church for the benefit of the whole community of Ireland. They failed, as was to be expected, against the more determined force of those who were imbued with the fanaticism of the Protestant Ascendency in Ireland, and of others who believed that the maintenance of the English Church and of the Union itself were involved in the fate of the Irish Establishment. It was no answer, however, to the Irish people, that English opinion could not be brought to view the Irish Church in its true light. This argument only tended to confirm them in their hostility to the Union; they naturally contended that the effect of the Union had been to commit their affairs to English opinion, and that Irish interests were thenceforth subordinated to English prejudices and English interests. Nor could they be expected to appreciate Russell's argument, that the Union was of such enormous advantage to them that it outweighed the particular hardship of such an institution as the Established Church. O'Connell was using precisely the opposite argument; he had advised the suspension of the agitation for the repeal of the Union in the hope that the United Parliament, under

a Whig Government, would legislate for Ireland, in accordance with Irish wants and Irish wishes. What wonder, when that hope was not realized, that he should revive the demand for legislative independence?

It seems probable that the settlement of the tithe question was part of a virtual arrangement come to between the chiefs of the opposing parties in the House of Commons, and was connected with the other question of municipal reform; for, on stating his views on the tithe measure, Peel also dealt with the latter, and expressed his willingness to make concessions. He consented, on behalf of the Tory party, to confer corporate institutions on twelve of the largest towns of Ireland; but he insisted on the franchise being a high one, namely, a £10 occupation franchise. Russell practically agreed to accept this offer, subject only to a reduction of the franchise to £5. On a division in committee, the £5 qualification was carried against the higher franchise by 286 to 266. In the House of Lords the decision of the Commons was reversed; the higher qualification was inserted by a vote of 96 to 36. Other important changes were made; the corrupt body of freemen, the monopoly of the Protestant party, was preserved; the power of appointing sheriffs was taken from the proposed corporate bodies and vested in the Crown—a point of great importance, as it was the sheriffs' duty to frame the jury lists; and they were the main instruments for packing juries in political causes. Another amendment gave a vested interest to the whole body of town-clerks, bailiffs, and other officers of the corporation; and various other amendments were carefully framed, with the object of taking from the proposed municipalities the control of the then corporate property. Lord J. Russell characterized these amendments as “framed with the interested, narrow-minded, and perhaps factious view, of preserving as much power as possible in the old, and giving as little as possible to the new, corporations.” In the Commons, the Government, in the hope of

compromise, assented to some of the amendments and opposed others ; proposing (*inter alia*) to substitute £8 instead of £10 as the qualification. This was rejected by the Lords, and the Bill was again dropped.

It was not till 1840 that a compromise was finally agreed to. The concession of municipal institutions was confined to the ten principal towns of Ireland ; in all the others the existing corporations were dissolved. For the ten larger towns, the franchise was fixed at the high qualification of houses of £10 rateable value, restricting the number of voters within most narrow limits ; and most of the reactionary amendments of the Lords were conceded. The compromise thus agreed to by the Government gave great dissatisfaction to the Irish party ; it was considered another surrender to the Tories. The inequality of treatment of Ireland, as compared with England, in the matter of Municipal Reform was brought into strong relief ; and it was clear that every effort was made to sustain as far as possible the old and corrupt system, and to secure the ascendancy of the Protestant minority.

Meanwhile important events occurred in the year 1839. Though the state of Ireland under Lord Mulgrave (now Lord Normanby) and Drummond had very greatly improved, there were still occasional disturbances and agrarian outrages. Public opinion in England was greatly shocked by the murder, in open day, of Lord Norbury. The perpetrators were never discovered, nor was any cause even assigned for the murder. There was nothing to show that it was agrarian. It caused, however, the attention of England to be turned to the state of rural Ireland, more than would hundreds of similar attacks on obscure people. It was shortly after this that the Tipperary magistrates addressed the Lord Lieutenant in the manner already alluded to, and received in reply the celebrated letter of Drummond, questioning their own conduct as land-owners in provoking agrarian troubles. When this letter became public, the magistrates again met, and

passed a resolution to the effect that the action of the Government had the result of increasing the animosities entertained by the peasantry against the owners of the soil, and had emboldened the disturbers of the peace. It was in part due to this that political attacks were made in both Houses of Parliament against the Irish administration. In the Lords, Lord Roden moved for a committee to inquire into the state of Ireland since 1835. Lord Normanby (Mulgrave), who had already ceased to be Lord Lieutenant, and had been appointed Secretary of State for the Colonies, defended his administration with great vigour. He showed the great reduction of crime. He vindicated his equal treatment of Catholics and Protestants. He justified taking counsel with O'Connell. In face of this defence, and the facts and figures quoted, it is scarcely credible that the Lords should have carried the motion for inquiry by a majority of 63 to 58.

The Government, thus defeated on the general line of their administration in Ireland, and feeling the importance of maintaining their Irish policy unimpaired, proposed in the House of Commons a resolution intended to challenge the decision of the Lords. Lord J. Russell moved "that it is expedient to persevere in those principles which have guided the executive Government of Ireland of late years, and which have tended to the effectual administration of the laws and the general improvement of that country." Peel proposed an amendment justifying the House of Lords in their committee of inquiry; and a debate of five nights' duration arose, in which the whole policy of the Government in Ireland was thoroughly thrashed out, and which terminated in the reversal of the Lords' decision by a majority of twenty-four.

The Committee of the Lords sat and took evidence. Drummond was examined; even at this lapse of time, his explanation of the policy of the Government, and his exposition of his own views of what were the remedies for the evils of Ireland, are of the greatest interest and

importance. Drummond's evidence was a fitting record of his views. It was almost his last public work. He had overstrained his nervous system by the stupendous labour he had undertaken for Ireland, and he died shortly after, a victim to his zeal for the cause he had at heart. In the eighty-six years since the Union, no other man engaged in the government of Ireland has made such a mark, or has acquired such a hold upon the affections of the Irish people. He died in 1840, and was buried near Dublin amid universal sorrow. The secret of his great success was his deep fund of human sympathy, guided by a calm and scientific intellect, and sustained by undaunted courage in the face of overwhelming difficulties.

The Lords' Committee came to no practical conclusion, but reported the evidence without comment. Lord Brougham, who had throughout Lord Melbourne's second administration been actuated by malevolent feelings to the Government, because he had been passed over for the Chancellorship, revived the question of Ireland, and carried a resolution hostile to the Irish administration, by a vote of 86 to 52. Those who now look back to this period can have little hesitation in affirming that the Irish administration by Drummond is the one bright spot in the dark picture of English misrule in Ireland, and that nothing could be more ill-advised or mischievous than the action of the Lords in condemning it, and in endeavouring to reverse it. Pending these proceedings, O'Connell gave the most cordial support to the Government. He went over to Ireland and called on its people to rally round the Ministry. His activity was wonderful, and not a day passed in which he did not address the people in public meetings or through the press. Finding, however, that many of his friends were suspicious and alienated from the Government by its failure on the Church question, he founded the "Precursor" Society to advocate the repeal of the Union. He had evidence daily of a growing feeling of hostility to Ireland among

the English people. It was with difficulty that the Government held its own in the House of Commons. In the Lords, it was harassed by hostile votes and committees of inquiry; and the result of the bye-elections which occurred from time to time, showed that the tide of opinion was turning against the Government. There can be little doubt that its Irish policy, beneficent and politic as it was in the highest degree, was unpopular with the majority of voters in England. O'Connell himself was the subject of unreasoning hate and suspicion, and though his support of the Government in the Commons was a condition of their existence, it was the cause of weakness in the country, and contributed greatly to the Tory reaction which was soon to sweep away the Government.

The session of 1840 gave signs of the approaching disaster. Stanley, impelled apparently by that hostility to Ireland which he seldom lost a chance of exhibiting, introduced a measure to amend the registration of its voters. His object, professedly to prevent certain loose practices which had grown up in the system of registration, had really the design of making it much more difficult for qualified persons to get on the register, and of diminishing still further the already very reduced number of electors in Ireland. O'Connell opposed the measure at every stage with the greatest vehemence. It was a Bill, he said, to trample on the rights of the people of Ireland. The Government also did their utmost against it. Russell denounced it, on the ground that it would throw difficulties in the way of obtaining the political franchise, instead of giving increased facilities for it. Nevertheless, Stanley carried the second reading of his Bill by a majority of sixteen in a very full House.\* In committee the Irish members resorted to tactics of obstruction. Three weeks were occupied in long discussions and amendments, in the course of which there were many violent altercations between O'Connell and Stanley. In spite of the

\* Division—For second reading, 350; against, 334.

opposition of Ministers, Stanley succeeded in defeating amendments to his measure in ten different divisions; but, beaten by time, and finding he made no progress, he was ultimately compelled to drop the Bill; the fact, however, remained that he had been able to carry it through various stages, and in repeated divisions, against all the force of the Government.

In the next session (1841), this subject of bitter feud was again renewed. Stanley reintroduced his Bill. The Government met the attack by bringing in a counter-measure, in which, while applying remedies to the fraudulent registration of voters, which it was the ostensible object of Stanley to prevent, it was proposed to lower the Irish franchise, and therefore to add to the number of electors. Stanley and the Tory party were proportionally indignant, and a debate of extreme violence, lasting four nights, took place. O'Connell, in supporting the Government Bill, said the simple question was whether the House was prepared to pass a measure to abolish the franchise in Ireland, or to extend and increase it. He pointed out how greatly and continually the constituencies in Ireland had been decreasing. "Refuse this measure,"—he said, "I threaten you with nothing—I prophesy. I tell you that you are the real repealers, and not I. I tell you that, by this additional insult, you bring the banners of repeal amongst people of the middle class, and some of them of the leading gentry." Lord John Russell supported the Bill on the ground of the real reduction of voters in the Irish constituencies. "With respect to the Act of Union," he said, "he still looked on repeal as the greatest calamity which could happen to both countries. But it was because he was attracted to the Union that he felt bound, as a Minister of the Crown, to see that the Irish people were not wronged." The second reading was carried by the Government by the narrow majority of five;\* but at a later stage they were defeated, in spite of having made large conces-

\* Division—For second reading, 299; against, 294.



sions, and finally they were compelled to withdraw the Bill.

This was the last Irish debate of importance in Parliament, during the second administration of Lord Melbourne. The Government was shortly afterwards defeated on a vote of want of confidence in its general policy. The Ministers appealed to the country; a dissolution took place; and the general election resulted in very great gains to the Tory party. On the meeting of the new Parliament, a motion hostile to the Government was carried by a majority of ninety-one. Lord Melbourne resigned, and Peel was again summoned to form a new Ministry. Thus closed the second epoch in the political history of Ireland since the Act of Union. This period may be divided into two parts—that of the Government of Lord Grey, which was not to be distinguished from a Tory administration so far as Ireland was concerned; and the Government of Lord Melbourne and the more advanced Whigs. It must be admitted that legislation under both was bitterly disappointing to the Irish party. The earlier Whig Ministry had evinced no sympathy for Ireland. Their only recipe for its grievances was force. “A Government,” said Stanley, “to be loved must be first feared;” he could do nothing for Ireland till all agitation was put down by force. In administration, equally, this Government was thoroughly opposed to any concessions to Catholic opinion; in its hands the Catholic Relief Act remained a dead letter. No change whatever was made in the administration of the Irish Government; the old prejudices and traditions remained; Protestant Ascendency reigned at Dublin Castle; O’Connell was regarded as a dangerous agitator, who was to be kept at arm’s length. The violent personal conflicts between Stanley and O’Connell in the House of Commons were but an outward sign of a total divergence of policy—of a deep gulf between them on almost every conceivable subject affecting Ireland. It was, indeed, hard upon the Irish that this

should have been their experience of the Government of the Reform Act, and of the first Reformed Parliament. It tended to separate Irish opinion from that of England, and to renew dislike of the Union, and to create hate and distrust of the English Parliament, more than even the conduct of the Tories during their long period of misgovernment from the beginning of the century.

The second Whig administration was wholly different in its treatment of Irish questions, and in its relation to the Irish party. Its members were more advanced in opinion on Irish subjects, could see to some extent the evils under which Ireland laboured, and were sincerely desirous of remedying them. They were dependent on the Irish members for their existence as a Government. Their policy was a matter of bargain as well as of judgment. But they did their utmost to fulfil their part of the bargain; at a great sacrifice of popularity and of time so valuable to a Reforming Ministry, they carried through the House of Commons in every successive year their measures for dealing with the tithe question, and for securing for Ireland the great benefits of Municipal Government, on the same wide lines as had been conceded to England. The policy of the Tory party was to fight against these measures in the House of Commons, and, when defeated there, to use their majority in the House of Lords to destroy them, or so to cripple them that they would be ineffective and useless. This policy was eminently successful. The Government was unable to carry its Irish measures without changes humiliating to itself, and destructive of remedial policy. The Church Temporalities Act and the Tithe Commutation Act, intended for the benefit of the Irish people, were really of benefit to the Established Church. The Municipal Reform Act, while professing to reform abuses and to concede popular self-government, abolished fifty-eight out of sixty-eight corporations, and gave a narrow franchise

to the remainder. The Government dared not appeal to the country against the House of Lords, perfectly aware that their Irish policy was not popular with the mass of English voters. Irish questions of vital importance were, therefore, sacrificed to English opinion and to English party tactics—a result which showed distinctly to Ireland the effect of the Act of Union, and tended more than ever to create distrust and hate of that measure.

On the other hand, Lord Melbourne's administration of Ireland was an immense improvement on all that had gone before. The difference between Stanley and Drummond (the guiding spirit of the Irish Executive) was enormous. A revolution was effected in the traditional practices of the Castle. The new government was eminently just and liberal. It was based on equality, and rested on a popular foundation. The co-operation of O'Connell was sought and obtained. Order was maintained by the force of public opinion, and not by coercion at the hands of an alien authority. Drummond placed himself in contact with the people, and by an administration which was at once just, firm, and national, upheld the law and gave comparative peace to a long-distracted country. Had the Irish executive been supported by the Imperial Parliament, had Drummond's wise administration been accompanied by healing legislative enactments, the demand for repeal might never have been renewed. But what Melbourne did Peel reversed. What the House of Commons sanctioned the House of Lords condemned. The Irish measures of the Ministry were wrecked. Their policy was defeated, and English public opinion, faithfully reflected at that time by the House of Lords, declared that justice should not be done to the Irish nation.

O'Connell, on his part, kept faith with the Whigs. He constantly expressed his readiness to test the willingness of the Imperial Parliament to act justly to his country. For six years he loyally supported

the administration. During that period he suspended the demand for repeal. He endangered his popularity in Ireland by accepting the compromises which Ministers were forced to make. He saw measure after measure defeated, but he remained steadfast to the Government, recognizing their desire, though plainly seeing their inability to satisfy the reasonable demands of the Irish people. But with the fall of the Ministry his obligations were discharged, and he was left free for the future to pursue his own policy.

## PART III.

# THE REPEAL MOVEMENT.



## CHAPTER I.

THE third period of the government of Ireland by the Imperial Parliament extended from the formation of the Ministry of Sir Robert Peel, in 1841, until the death of that statesman in 1850, during the whole of which time the influence of the great Tory leader was paramount in the direction of Irish affairs. It is true that his Government only lasted till 1846, when, by a revolt of his party followers, it was defeated on an Irish Coercion Bill; but, after this reverse till his death, Peel occupied a most commanding position in Parliament, and practically dictated the Irish policy of his successors. The Whigs had learned by their experience under Lord Melbourne's Government that by leaning on the Irish vote they would only acquire unpopularity with the English constituencies. On their return to office, in 1846, they were able to dispense with their Irish allies, and rely upon the support of the Peelites. The period was one of very great importance in the history of Ireland. It included the last and greatest of O'Connell's Repeal agitations; his prosecution by the Government; the growth of the "Young Ireland" party; their resort to physical force; the lamentable events of the Irish famine; and the remedies for Irish disaffection proposed by Peel.

Practically, the policy of Peel may be considered as resulting in the defeat and temporary extinction of the Repeal movement, and the carrying of a series of measures for Ireland framed on the ideas of Englishmen, with the hope and expectation of giving content to Ireland.

On the defeat of Lord Melbourne's Government, and after the general election, which gave so large a majority to the Tory party, O'Connell appears to have abandoned all hope of legislation favourable to his country, and in accordance with Irish ideas and wishes. He had a profound distrust of Peel, and believed him to be animated by personal hostility. He ceased for some time to attend the sittings of Parliament. He offered himself to the burgesses of Dublin as their first Catholic Lord Mayor, and when elected devoted himself steadily to the duties of that office. He also renewed the movement for Repeal, which had been allowed to subside during the Melbourne Government. Already, a year previously, foreseeing the fall of that administration, he had made the commencement of a new agitation, by founding the Repeal Association. He did so, avowedly, in consequence of the failure of the Whig Government to carry its measures, and because he had lost confidence in their power and capacity for doing anything for Ireland, but not in their good faith and intentions. Speaking at the Repeal Association in January, 1841, he said, "I shall, for my part, vote for the Whigs on all party questions, in order to keep them in; but I tell them honestly that they have lost altogether the hearts of the Irish people, and nothing but the loud cry for repeal shall henceforth be heard among us. . . . I did not resume the Repeal agitation till I saw how utterly unable the Whigs were to effect anything." He had himself, by his compact with the Whigs, and by concurring in the surrender of principle on the tithe question, lost credit and prestige with some of the most ardent of his supporters. He was severely attacked in the Irish papers by Mr. Shar-

man Crawford, and by Father Davern, a well-known Tipperary priest, for his conduct in this respect. Whether owing to this, or to the wise and sympathetic administration of Ireland during six years on the principles laid down by Mr. Drummond, or to the growing power of the landlords under the restricted franchise, the general election of 1841 resulted in many heavy reverses to the Repealers. This party, over forty in number in the previous Parliament, were reduced to less than half that number in the new House of Commons. The places of others were filled by Whigs, many of them holding office under Lord Melbourne. O'Connell himself was rejected by the city of Dublin, mainly by the votes of the corrupt body of freemen, the retention of whom in the constituency had been one of the achievements of the House of Lords, in the debates on the Irish Reform Act. He speedily found another constituency in the county of Tipperary, and returned to the House of Commons to find that the Repeal party now consisted of little more than his relatives and immediate followers.

Meanwhile a new party was arising in Ireland, composed of men of a different stamp from those who had hitherto supported the National cause. O'Connell so completely overshadowed all his contemporaries in eloquence, energy, and political capacity, that he tended to dwarf those who worked with him, and the cause undoubtedly suffered from his monopoly of power. A younger generation, however, was growing up, educated under the influences to which O'Connell had given birth. Thomas Davis, Gavan Duffy, and John Dillon, to be joined later by many notable recruits, of whom the most important were Mitchell, Meagher, D'Arcy McGhee, and Smith O'Brien, formed the nucleus of the "Young Ireland" party, which breathed a new spirit into Irish politics, and brought to the national movement a fervour and intensity of passion, very different from that felt by many of the immediate followers of O'Connell. In 1842, Duffy,

Davis, and Dillon founded the *Nation*, a newspaper whose political writing appealed to the national feeling of the Irish, and speedily produced a very important effect. The great object of this paper was to unite Catholics and Protestants on the common platform of Repeal. It appealed especially to the Protestants of Ireland, and endeavoured to arouse among them a national sentiment. It recalled the historic traditions of the country, and revived the separatist idea started by Wolf-Tone. It brought in aid of the movement illustrations drawn from other national revivals, where subject races had been able to assert themselves; and it stimulated the national sentiment by poetry full of passion and pathos.\* The *Nation* soon became a power in Ireland. O'Connell was not slow to avail himself of the aid of this new party. With this new impulse to aid him, he infused fresh vigour into the Repeal Association. The agitation, which had languished in 1842, broke out again with renewed vigour. The weekly Repeal rent rose rapidly to a considerable sum. O'Connell proclaimed with the utmost confidence that the year 1843 was to be the "Repeal year." He announced his intention of holding a series of meetings for Repeal all over Ireland. With this object in view, he declined to go to England even for the purpose of taking his seat in the new Parliament. He began his campaign by moving in the Dublin Corporation a resolution in favour of Repeal. His speech on that

\* A few of these poems, collected in the "Spirit of the Nation," are among the finest lyrics in the language. Specially beautiful is that of which the opening stanza is—

"Who fears to speak of 'Ninety-eight?  
Who blushes at the name?  
When cowards mock the patriot's fate,  
Who hangs his head for shame?"

This poem, published anonymously, written by a Fellow of Trinity College, Dublin, now in the foremost rank of the University, was read by the Attorney-General in the O'Connell trial as part of the indictment. The reading produced a profound impression in court, an effect not intended by the prosecution.



occasion was one of the greatest efforts of his life ; it occupied the whole of one day. It presented the entire case of Ireland with a mastery of argument, a completeness of detail, and freshness of reasoning that were truly admirable. He said himself of this speech, "I felt the occasion required a great effort, and I made the effort. This day will be hereafter memorable in the history of Ireland."

The discussion, which lasted three days, was conducted with the greatest fairness. The cause of the Union was sustained by Mr. Isaac Butt, then a rising member of the Bar, and the favourite of the Tory party, but who, not many years later, was to occupy with less power and influence, but with much ability, the position of O'Connell himself as the leader of the Irish Nationalists. In spite of his opposition, the motion was carried by a vote of 41 to 15, in a municipal council consisting mainly of substantial merchants. The movement then spread to the provinces. A series of monster meetings was organized, at which O'Connell addressed immense and constantly increasing numbers of people. In the course of three months he attended thirty-one of these great meetings, and travelled over five thousand miles. There was much repetition in his speeches. This, however, was the result of deliberate purpose. He constantly stated his opinion that, in order to make an impression on the popular mind, it was necessary to repeat again and again the same argument, so that it might sink deep, and eventually fructify in popular exertion. He would vary the phrase, but repeat substantially the same matter. Indeed, in some parts, he considered it an advantage that the very wording should be repeated till the phrase should catch and become a popular Shibboleth.\* "O'Connell," said one who reported his speeches, "always wears out one speech before he

\* O'Neil Daunt, "Personal Recollections of O'Connell," p. 316. Cobbett preached and practised the same method with the same success.

gives us another." Those who were with him, throughout his progress, said that there was always a freshness in his manner, and a charm of style which made it delightful to listen to him, and which prevented his repetitions becoming wearisome.

At Trim, where the first Repeal meeting was held, 30,000 persons attended. At Mullingar, a month later, 130,000 were present. At the Hill of Tara, a site of hallowed associations, as the place where in olden times the Kings of Ireland were crowned, not less than 250,000 persons collected. The peasantry flocked there, led by their priests, from miles around. A more impressive sight than the celebration of Mass by numerous priests to distinct bodies of this enormous multitude was seldom seen. A resolution was passed in the name of the Irish people for the restoration of the Irish House of Commons. "The Irish people," it said, "have submitted to the Union as being binding in law, but they declare solemnly that it is not founded on right or on constitutional principle, and that it is not obligatory on their conscience."

At all these and other meetings, O'Connell spoke with great power and vigour, but with studied moderation regarding the methods to be adopted in securing the national ends. He uniformly spoke of the Act of Union as null and void, on account of the means by which it had been carried. He contended that the Sovereign had a constitutional right to call the Irish Parliament together, without further statutory powers. He promised that its constitution and its liberties should be restored to Ireland within the year. This was to be achieved by peaceful demonstration and by the exhibition of a people united in their demands, peacefully but imperatively demanding their rights; he pointed out that at these meetings he had forces around him many times greater than those which had fought at Waterloo. "But do not," he said, "misconceive me. Is it by force and violence, bloodshed or turbulence, that I shall achieve this victory, dear above all earthly

considerations to my heart? No; perish the thought for ever. I will do it by legal, peaceable, and constitutional means alone—by the electricity of public opinion, by the moral combination of good men, and by the enrolment of four millions of repealers. I am a disciple of that sect, who believe that the greatest of all sublunary blessings is too dearly purchased at the expense of a single drop of human blood.” But he predicted that if their demands were refused, there would come those after him who would be less fastidious on this point. “He is no statesman,” he said, “who expects that might will always slumber amidst grievances continued, and oppressions endured too long. An outbreak will sooner or later be the consequence of the present afflicted state of Ireland. I say sooner or later, because I venture to assert while I live myself that outbreak will not take place; but, sooner or later, if they do not restore to Ireland her self-government, the day will come when they will rue their present policy, and will weep in tears of blood.” At the Tara meeting O’Connell developed a scheme by which the people were to ignore and avoid the ordinary courts of the country, and were to agree to refer all their disputes and complaints to arbitration courts, recommended by the Repeal Association. For some time effect was given to these proposals, and the ordinary tribunals were superseded and deserted; but later the scheme broke down, when it was found that the decisions of these unofficial courts were not legally binding.

Meanwhile the movement swept everything before it in Ireland. It was greatly assisted by the contemporaneous temperance movement under Father Mathew, which took a great hold on the people, and to which O’Connell gave every encouragement. The Catholic Bishops gave their countenance and support to both. The priests attended the Repeal meetings in large numbers, led their flocks to them, and acted as agents for the Association, in the collection of sub-

scriptions. The Repeal rent, which in 1842 had been no more than £60 a week, rose to over £600 in 1843, and reached at one time over £2000. A sprinkling of magistrates and gentlemen joined in the movement.

The Irish Government endeavoured to stop this accession of the gentry to the Repeal cause by dismissing from the magistracy any one who attended the meetings. Sir Edward Sugden, then Lord Chancellor of Ireland, removed Lord Ffrench from the roll of magistrates for this cause; O'Connell and his eldest son, Count Nugent, Mr. Roche (later Lord Fermoy), and several members of Parliament of good families, were treated in the same way. This caused great indignation in Ireland, and led to an immediate increase of the Repeal rent. By way of protest, several magistrates, including Lord Cloncurry, Mr. Smith O'Brien, Mr. Grattan, and others, resigned their commissions of the peace; and the Repeal Association received many recruits in consequence of this arbitrary action of the executive. The conduct of the Government was made the subject of attack in both Houses of Parliament. The highest legal authorities in the Upper House, men like Lord Cottenham and Lord Campbell, declared it to be unconstitutional. In their view, meetings to petition for the repeal of the Union were not illegal. As the Repeal meetings, then being held in Ireland, were perfectly orderly and peaceful, no pretence, they said, could be made for treating them as illegal. The Government contented itself with asking for the renewal of an Arms Act, to enforce the registration of fire-arms and restrict their importation. The Bill differed only in detail from a measure which had been passed by the Whigs in 1838, but under a tacit understanding with O'Connell that it was not to be enforced. It was now opposed with vehemence and pertinacity, and a great part of the session was taken up, in the debates which ensued, by the obstinate resistance to it on the part of the Irish

members and a section of the Liberal party. O'Connell, otherwise engaged in Ireland, was not present. The opposition was led by Mr. Sharman Crawford, Mr. Sheil, and Mr. Smith O'Brien, the latter of whom for the first time took a conspicuous part in Irish debates, though he had not yet joined the Repeal party. Later, Mr. Smith O'Brien raised another important motion on the state of Ireland, which lasted for five nights. It was carried on in a calm and temperate spirit, owing greatly to the tone in which the mover opened the discussion. He called attention to the vast assemblages of the people in Ireland, testifying to their grave discontent ; to the great rise in the weekly Repeal rent from £500 to £3000 ; to the fact that the movement had been joined by the middle classes, the Catholic clergy, and by not a few of the aristocracy. He pointed out that while the late Government had found Ireland disturbed and had left it tranquil, the Government of Sir Robert Peel had found it tranquil and had already brought it to a disturbed condition ; he attributed this to their neglect of remedial measures, and to their administering the Government in the spirit of Protestant Ascendancy. He showed that all appointments were now again given to Protestants, and that the Catholic Relief Act was a nullity. He contended that the cry for Repeal, though he did not concur in its policy, was not treasonable ; it was merely the expression of despair of obtaining good government. He pointed out that the weakness of England lay in Ireland ; and that the only way of defeating the machinations of England's enemies was to redress the grievances of Ireland.\*

The grievances of the Irish tenants were made a prominent subject of discussion in this debate, and a demand was made on their behalf for fixity of tenure. Sir Robert Peel, in the course of the debate, dealt with this subject in a passage of great importance. "If you tell the possessors of wealth in Ireland that by the purchase of land he

\* Hansard, 3rd series, vol. lxx. p. 630.

shall not gain the uncontrolled right of property over that land, in my opinion you will strike a fatal blow at the prosperity of the country. But I speak generally of the right of property, and not of the abuse of that right; and I will not resist inquiring into the peculiarities or abuses of the Irish law. When I assert that the just rights of property ought to be respected, I am far from saying that, if a remedy could be applied to prevent the undue exercise of power in Ireland, I would not give to such a proposition the most attentive consideration. If you tell me that a tenant-at-will improves the property he occupies, relying upon the justice and generosity of the landlord, and that, having so improved the property, he gives a vote, or does some other act, hostile to the feelings of the landlord, and is ejected from his tenancy, no compensation being made to him for his outlay—if the landlord takes advantage of such hostile vote or act for the purpose of availing himself of any benefit he may gain by taking possession of the land, without affording compensation to the outgoing tenant—that is undoubtedly a gross injustice. I trust and believe that this is a rare occurrence, and if so, it may be difficult to apply a legislative remedy. But if such a case were of frequent occurrence, and a legislative remedy could be safely applied, I think it would be the duty of the House to afford such a remedy.” With respect to the political condition of Ireland, he avowed the opinion that there ought to be perfect civil equality and eligibility of Roman Catholics for all offices. He claimed credit for not making use of his majority in Parliament to force on Lord Stanley's Registration Bill; he declared his belief that causes were in operation in Ireland tending to reduce the number of voters, and which would require a remedy. On the Church question (which had been largely dwelt on in the debate) he refused, on behalf of his Ministry or his party, to take any step in the direction of making a provision for the Catholic clergy, which he thought would add to the

discontent of Ireland rather than diminish it, nor could he take any such partial and limited step, as that of appropriating a part of the revenues of the Church to other objects. He was prepared to govern Ireland on principles of impartiality and civil equality—to give a substantial and not a fictitious right of suffrage, and to take into consideration the relation of landlord and tenant; but, on the other hand, to make no alteration in the law by which the Church and its revenues would be impaired. While deprecating the resort to coercive measures beyond what was actually necessary, he asserted the determination of the Government to do everything that could be done by authority and by power to resist the success of the repeal of the Union. He reminded the Catholics of the concessions already made and of the kindly feeling evinced to them as reasons why they should join in resisting the agitation for Repeal.

Lord John Russell, in reply, while allowing that it was impossible to concede all the demands of the Irish people, blamed the Government for doing nothing, for waiting to hear the proposals of others, then cavilling at them, and adopting none. He denied the practical equality of privileges between England and Ireland. While he would not destroy the Established Church in Ireland, he thought the Catholic bishops and clergy ought to be put on a footing of perfect equality with those of the Protestant Church. Lord Palmerston also joined in urging the endowment and recognition of the Catholic clergy. The motion was rejected by 243 to 164. The debate was of great importance, as showing the tendency of Sir Robert Peel's mind; he was evidently anxious to find some method of appeasing public opinion in Ireland, and of legislating for the benefit of that country. He laid hold of the two important questions, the land and the franchise. It will be seen that he failed to deal with either of them. The immediate outcome of the debate was the appointment of a Royal Commission to report on the

state of the law and practice in respect of the occupation of land in Ireland, and as to the amendments, if any, of the existing laws, which, "having due regard to the just rights of property," might be calculated to encourage the cultivation of the soil, to extend a better system of agriculture, and to improve the relation between landlord and tenant; the important results of which will shortly be alluded to.

In the course of this session, Peel had frequent occasions for expressing his determination to maintain the Union. In answer to a question on this subject, he declared that all the resources of the empire should be exerted to preserve the Union; and he quoted with approval the words of Lord Althorp, "that civil war itself would be preferable to dismemberment of the empire." Being asked by Mr. Bernal Osborne whether he also abided by another declaration of Lord Althorp, that "if all the members for Ireland should be in favour of Repeal he would consider it his duty to grant it," he replied that he was not prepared to abide by any such declaration. Later in the session, Mr. Ward raised a debate on the subject of the Irish Church Establishment; but so little did members think the subject worthy of consideration, so engrossed were they in thinking of the graver issues raised by the Repeal movement, that the House was counted out on the second night of the debate, and the motion dropped.\*

The Government apparently waited for the close of the session before taking more active measures against the Repeal agitation. O'Connell had continued to hold monster meetings in every part of Ireland. Three were held in Connaught—at Roscommon, Clifden, and Loughrea. Another at Mullaghmast, in Kildare. At this, Hogan, the leading sculptor of Ireland, placed on O'Connell's head an embroidered cap, saying, "I only regret this cap is not of gold;" and again O'Connell assured the vast multitude gathered there that England could not re-

\* Hansard, 3rd series, vol. lxxi. p. 118.



sist the movement—that the Repeal year had come. It appears certain that he himself firmly believed that agitation and moral pressure would secure the success of the national cause. He had won Catholic Emancipation a few years earlier by the same means; he had then pushed the country to the very verge of rebellion, without, however, overstepping the line. The cause of Repeal did not appear to him more hopeless. The difference, however, was this—England was divided on the subject of Catholic Relief, and a large body of Englishmen heartily sympathized with the Irish demand. England was united on the subject of Repeal and was against the movement.

A monster meeting was arranged to be held at the Hill of Clontarf, a place not more than two miles from Dublin, and famous in the history of Ireland as the spot where Brian Boru had secured the independence of his country, by defeating the Danish invaders. Sunday, the 8th of October, was fixed for this meeting, which was to be the culminating point of the campaign. It was expected that the assemblage of people would be in excess of all previous gatherings. The attorney who drew up the notices for the meeting inserted words referring to the “Repeal Cavalry.” When the notice of the Association was called to this, the notices were recalled, and the words omitted. The Government, however, took advantage of the slip, and assuming that the meeting was to have a military character, issued a Proclamation the day before it was to be held, declaring it illegal, and warning all persons against attending it. No sufficient explanation has ever been given for the very short notice of proclamation. It was so short that already vast numbers of people were on their way from the adjoining counties. Fifteen hundred persons had already arrived from England, with the object of taking part in the meeting. It was said by the opponents of the Government that Peel did not really wish to prevent the meeting, but intended to take the opportunity of

arresting O'Connell and the leaders of the movement, and to force a conflict with the mob, trusting to the large military force then quartered in Dublin, and believing that a collision with the people would result in a salutary lesson.

On his part, O'Connell felt that to hold the meeting was to run the almost certain risk of a conflict with the armed force of the State, and of a possible massacre. He had frequently told the people that the Government dared not prevent his meetings, that they were perfectly legal, and that no proclamation could make them illegal. He had, in fact, repeatedly challenged the Government to meet him on the field of legality. "Wellington and Peel," he had said, "were ready enough to show their teeth, but they could not bite. And why? Because the object of Repealers was legitimate and their means peaceful." But he had also pledged himself to resist any effort to put a stop to his meetings. "We shall violate no law, we shall break through no constitutional principle; if they attack us, we shall be like woolsacks on the walls of a fortification; and, should they persevere too far, our patience would become exhausted, and human nature would call for a more steady resistance. I do not mean to threaten, but I defy them to break down the *vis inertiae* of our calm reason." And again at another meeting he had said, "They talk of civil war; but while I live there shall be no civil war. We won't go to war; we will keep on the right side. But if others invade us, that is not civil war; and I promise them that there is not a Wellingtonian of them all who would less shrink from that contest than I, if they will force it on us. We are ready to keep the ground of the Constitution as long as they will permit us to do so, but should they throw us from that ground, then *Væ victis!*"

The Committee of the Repeal Association met. O'Connell announced to it his intention to submit. The proclamation, he said, might be illegal, but the time for resistance was not yet; the Association must

do its best to prevent the meeting, lest there should be a conflict between the people and the armed force of the Government. The committee could hardly do otherwise than act on his advice. An address was issued by O'Connell, stating that, in obedience to the proclamation of the Lord Lieutenant, the meeting would not be held. "We do earnestly," it said, "request or intreat that all well-disposed persons will immediately, on receiving this intimation, repair to their own dwellings, and not place themselves in peril of any collision, or of receiving any ill-treatment whatever. And we deem it prudent and wise, and, above all things, humane, to declare that the said meeting is abandoned, and is not to be held." By great efforts the crowds of people converging upon Clontarf were as far as possible informed of the abandonment of the meeting, and were turned back. Though great numbers assembled near the place, the meeting was not held; and on the Sunday morning a large body of troops held the high ground, but there was no opposition and no conflict. The result was, for the moment, a great moral victory for the Government, and it was felt by the Young Ireland party as a profound humiliation. They were powerless, however, to resist the advice of their leader. To have taken an opposite course would have been to court a conflict with the troops, with all the disadvantage of a split in their own ranks. In their view O'Connell should have held the meeting, with all its dangerous consequences, should have offered a passive resistance to the attempts to put a stop to it, and should have asserted his legal right to hold the meeting by action of assault in the law courts. While this was the view of Young Ireland, O'Connell's friends in England held that he had acted most wisely, and with a moderation which deserved the gratitude of the Government, in preventing a conflict between the troops and the people.

The Government, however, did not take O'Connell's action in this light, and was in no way appeased

by this surrender. Conscious of the advantage it had already achieved, it was determined to press its fullest powers against him. Within a week, warrants were issued for the arrest of O'Connell and six other leaders of the Repeal movement, and criminal proceedings were instituted against them, charging them with conspiring to excite discontent and disaffection among Her Majesty's subjects, and hatred and contempt of the Government and the Constitution, in the hopes of bringing about a dissolution of the legislative union between Great Britain and Ireland.

The proceedings thus instituted occupied the attention of Ireland and the law courts for eight months. Every device, with which a long experience of legal chicaneries had familiarized the Government officials, was resorted to in order to secure a conviction. The jury panel was tampered with. Every Catholic was directed to stand aside by the Crown lawyers. As a result, a jury was sworn, composed wholly of partisans on whom the prosecution could confidently rely. The indictment itself—a monster document one hundred yards long, and containing an endless confusion of issues—the proceedings at the trial, the summing-up of the judge, which was more like a speech of a prosecuting counsel, were all on a par with the jury-packing. The trial was a mock tournament of forensic oratory, addressed on the one hand to the people of Ireland, and on the part of the Crown lawyers to the people of England.

The result was never doubtful. O'Connell and his colleagues were found guilty. Between the verdict and the sentence, which, as usual in such cases, was postponed till the next legal term, Parliament re-assembled in 1844, and the state of Ireland and the recent State trial, and the conduct of the law officers in connection with it, were the subject of long debates on the address. In the House of Commons, Lord John Russell, on behalf of the Opposition, moved for a committee to consider the state of Ireland.

In a speech of three hours' duration, he contrasted its condition, the policy pursued with respect to it, and the measures passed for it during the Peel Administration, with the six years of the previous Government of Lord Melbourne. The Irish leaders, he said, indignant at the treatment of their country during the last two years, had sought to repeal the Act of Union; that cry should have been met by inquiry into the real evils, with a view to remedy them. He condemned the legal proceedings. He pronounced as unwarrantable the charges made against O'Connell of having excited the ill-will of the Irish people towards England; he showed that the Lord Chancellor, Lord Lyndhurst, had recently used language even more violent, in describing the Irish as "aliens in blood, language, and religion," without protest on the part of those who now constituted the Government. He appealed to Parliament for a more confiding and charitable policy towards Ireland. His own proposals amounted to very little. He advised impartial justice, the eligibility of Catholics to offices, and the extension of the suffrage. He would put the Roman Catholic Church on an equal footing with the Established Church; but he admitted that there were difficulties in the way of doing that at once. At present, therefore, he would only increase the grant to Maynooth College for the education of Catholic priests. The most difficult of all questions connected with Ireland was that of the land, but he knew of no direct remedy for the great, extensive, and enduring evils which existed under that head; the way, however, to mitigate the worst horrors, the wholesale massacres of the clearance system, and wholesale retaliatory murders of landlords and agents, would be to render administration of justice more pure and more independent of landlord influence.

The debate lasted for nine consecutive nights. It was marked by many speeches of importance, among them that of Sir Thomas Wilde, condemning,

with all the authority of his great legal reputation, the conduct of the O'Connell prosecution. The indictment, the trial, the packing of the jury, the charge of the judge, were all, he said, a disgrace to the law. No weight could be attached to a verdict thus obtained. Mr. Macaulay, among others, devoted a large part of an eloquent speech to denouncing the packing of the jury in the O'Connell trial. If a foreigner, he said, was tried in England, he was entitled to a jury *de mediate linguæ*, composed one half of Englishmen and the other half of men of his own country; but to O'Connell not even the privilege of a foreigner was conceded. They called the Irish aliens when it suited their purpose, but they denied to them the privilege of alienage—that of a jury fairly composed. The speech, however, which in later times is referred to with the greatest interest is that of Mr. Disraeli—his first considerable effort on Irish policy. In a well-known passage he described the Irish as a dense population in extreme distress, inhabiting an island, where there was an established Church which was not their Church, and a territorial aristocracy the richest of whom lived in distant capitals. Thus they had a starving population, an absentee aristocracy, and an alien Church, and, in addition, the weakest executive in the world. “That is,” he added, “the Irish question. What would members say if they were reading of any other country in that position? They would say the remedy is revolution. But the Irish cannot have a revolution; and why? Because Ireland is connected with another and more powerful country. What, then, is the consequence? The connection with England becomes the curse of the present state of Ireland. If the connection with England prevents a revolution, and a revolution is the only remedy, England, logically, is in the odious position of being the cause of all the misery in Ireland. What, then, is the duty of an English Minister? To effect by his policy all those changes which a revolution would do by force. That is the

Irish question in its integrity." The speaker, when reminded of this speech more than thirty years later, in the House of Commons, remarked that although many things had changed in the interval, he saw no reason to alter the views therein expressed. But he had in the interval been connected with many Governments, and had twice been Prime Minister, without making any effort to effect by policy what revolution would do for Ireland by force; and his efforts when in opposition were mainly directed to prevent this course from being adopted by those in power.

O'Connell had come from Ireland, pending the delivery of the sentence, in order to take part in the debate. In his speech in the debate on the address he travelled carefully over the whole ground of Irish grievances since the Act of Union; showed how the promises made had not been kept; how Catholic Emancipation had been delayed and finally granted in an undignified way, as a thing enforced and extorted; how unequal had been the treatment of Ireland under the Reform Act. He referred to his motion for Repeal in 1834, and showed that, while rejecting it, the House had resolved that the grievances of Ireland should be redressed. He pointed out the failure of Parliament during the succeeding years to carry out its resolve. Looking to the future, he treated the measures proposed by the Government as of little value. He pointed out the direction which legislation must take if Ireland was to be contented. Until there was religious equality there could be no political freedom; this equality, however, could not be secured by Parliamentary grants; the Catholic clergy would not accept a pecuniary provision, nor could the Treasury afford an adequate one; any pittance it could give would irritate, and not satisfy. The Parliamentary franchise in Ireland must be extended and its representatives increased; the law of landlord and tenant should be restored to what it was before the Union; the financial arrangements between the

two countries should be revised; the municipal franchise should be brought into equality with that of England; absenteeism should be dealt with, and should be punished as a crime.\*

Sir Robert Peel's speech in reply on the whole debate was very similar to that of the previous year, already cited. After defending his Government in detail for its conduct in Ireland, he again promised to deal with the franchise question, and with the law of landlord and tenant. On the subject of the Church of Ireland he was uncompromising in his determination to uphold it in its full integrity, not excluding, however, such reforms as might improve its usefulness. The Legislature at the Union had given the fullest assurances to the Protestants that it would be preserved; and he could think nothing more unreasonable than to take from the Church, which submitted to the State, five-sixths of its property for the purpose of transferring it to a Church which refused any such connection. He proposed, however, to give facilities for the endowment of private benefactors to the Catholic Church, and to increase very largely the grant for public education. He had also given instructions to the Lord Lieutenant, directing him to include in his patronage such Catholics as had not taken part in political agitation. He referred with emotion to the sacrifices which he had made for Ireland, when, in order to carry the Catholic Relief Act, and, as he hoped, to insure her tranquillity, he had risked private friendships and political connections, and had forfeited the cherished representation of that university, where his earliest ambition had been gratified. The motion was defeated, on a pure party division, by a majority of ninety.

In pursuance of Peel's policy, an effort was now made by the Government to deal with the registration of Irish voters, and to extend the suffrage to some extent. It was admitted that the number of electors

\* Hansard, 3rd series, vol. cxxxix. p. 202.



in Ireland had fallen from 216,000 before the abolition of the forty-shilling freehold franchise, to 52,000 in 1832, and 61,000 in 1841; 9,000 only having been added in ten years as the result of the Reform Act. The particular proposal, however, did not give satisfaction to the Irish members, and the measure was dropped. No further effort was made by Peel to remedy the admitted grievance. A motion directed against the Established Church of Ireland was rejected by a majority of ninety-five, after a vigorous defence of the Church by Peel, who contended that the privilege of equal treatment of Ireland with Scotland and England would result in the establishment of the Roman Catholic religion in the former country. He did not believe that religious animosities were generated in Ireland by the Establishment, or would be removed by its extinction; and he appealed to the Act of Union, and the Catholic Relief Act of 1829, as contracts binding upon the country to maintain the Establishment.

In the same session the Government carried a measure for amending the law for the supervision of charitable bequests and donations in Ireland. Hitherto such trusts had been regulated by a Board composed almost exclusively of members of the Established Church, although nearly three-fourths of the bequests subject to the Board were for Catholic objects. The Board had also great powers of interfering with the destination of charities, far greater than were allowed by the English law in the case of English charities. It was now proposed to constitute a new Board on which Catholics and Protestants were to be on an equality as to numbers, and to provide that Catholic charities should be dealt with only by the Catholic members of it; also to enable real or personal property to be held in perpetuity for the building and maintaining Catholic chapels, residences, and glebes. O'Connell, in the first instance, speaking in Ireland, strongly objected to this measure, on the ground that it did

not go far enough; but he was not supported by Catholic opinion, and in the end the measure was gratefully accepted by the bishops as an instalment of justice. In its practical working it has given satisfaction. A measure was also carried by the Government, repealing several obsolete Acts of a penal character directed against Roman Catholics.

In the mean time O'Connell, after his speech on the address, had been received with ovations at great meetings in the centres of industry in the north of England. Resolutions had been unanimously passed, not, indeed, committing the meetings to a policy of repeal, but insisting upon full and complete justice to Ireland. On May 30, after the rejection by the Irish judges of a motion for a new trial, O'Connell and the other leaders were called up for judgment. In spite of an appeal to the House of Lords having been lodged, the Crown lawyers insisted on immediate judgment. O'Connell was sentenced by the Court to imprisonment for twelve months, and to a fine of £2000, and was required to find bail for good behaviour for seven years; the other defendants were sentenced to somewhat less punishments of the same kind. In pronouncing judgment, Mr. Justice Burton said "the object of the offenders was to obtain a repeal of the Union by means which he could not say were not violent, for excitement, intimidation, and terror were violent means—but without bloodshed. He believed the principal offender had that design rooted in his mind, and *that it was by his great influence the country had been preserved from civil war.* But he had told the people that if he had found it impossible to succeed he should leave them to themselves, and in case of aggression they would know how to act. The Court, however they might lament it, were bound to consider that exhortations to keep the peace did not take away the character of conspiracy from the proceedings." Never was condemnation passed on a criminal in terms so mild, if not flattering.

O'Connell, on receiving sentence, rose and said, "I will not do anything so irregular as to reply to the Court, but I am entitled to remind the Court that we have each of us sworn, and that I in particular have sworn positively that I was not engaged in any conspiracy whatsoever. I am sorry to say that I feel it my imperative duty to add that justice has not been done in this case." This short speech elicited cheers from the Bar and the public in Court, which were echoed by the vast crowd outside. In obedience to O'Connell's wishes, conveyed to them in an address, no further demonstration took place, and order was preserved without difficulty.

O'Connell and his associates were conveyed to Richmond Bridewell, where they were treated rather as distinguished guests than prisoners. They were allowed to see their friends and families, to communicate freely with the press, and even at first to receive deputations. They were handsomely lodged in houses belonging to the officers of the prison, and they kept a hospitable board, at which seldom fewer than twenty guests were allowed to assemble. In due course the appeal to the House of Lords came on in July, and was argued by the most distinguished members of the English Bar—Sir Thomas Wilde for O'Connell, Sir W. Follet for the Crown. The judges of England, who were summoned to advise the House of Lords on the subject, were by a large majority of opinion that the verdict should stand. They were, indeed, unanimously of opinion that six out of the eleven counts in the indictment, on which O'Connell and his associates had been tried, and which the Irish judges had with equal unanimity pronounced to be good and valid, were bad in law, and could not be sustained; but seven of the English judges considered the other counts to be good, and though the jury had not been asked to separate their verdict, they held that the verdict could be sustained at law. Two only of the judges were of an opposite opinion, and considered that the verdict was

bad, and should be set aside. On this decision of the judges, all hope of a reversal of the judgment was abandoned ; but, to the surprise of every one, the result was otherwise.

The appellate tribunal of the Lords consisted of five members—the Lord Chancellor Lyndhurst, Lord Brougham (who had always shown extreme hostility to O'Connell), Lord Cottenham, Lord Campbell, and Lord Denman. The first four of these were evenly divided on the subject, not without some imputations of political bias in a matter which had already been the subject of violent party controversy. Lord Denman, the Chief Justice, was in a position more free from such considerations. He decided in favour of the accused, and against the opinions of the English and Irish judges. In very strong terms he showed that the selection of the jury had been unfair and even fraudulent, and that consequently no fair trial had taken place ; that if practices such as had been carried out in this case should be allowed, trial by jury in Ireland would become “a mockery, a delusion, and a snare.” He was also of opinion that many of the charges, on which the prisoners had been arraigned, were bad in law, and that the verdict having been given generally, and not on the counts which alone were properly assigned, could not be sustained. This was no mere technicality, he said ; to pass sentence for three offences, which might be of very unequal character, when only two had been committed, could not be right. Finally, the judgment was reversed, on the 4th of September, by a majority of three to two. An effort was made by an Irish peer to induce the Chancellor to take the votes of the lay Lords ; but this proposal was resisted as a violation of the long-observed practice in the exercise of the appellate jurisdiction of the House of Lords, of confining judicial causes to the law Lords only.

The whole proceedings of the Government and of the courts of law in Ireland were, consequently, de-

clared to be null and void ; to the surprise of every one in Ireland, the verdict was set aside, and orders were given to release the prisoners. O'Connell and his associates left the Richmond Bridewell in a triumphal car, escorted by a multitude of people. The procession extended for nearly six miles, and more than two hundred thousand persons were said to have taken part in it. The enthusiasm and rejoicing extended over the whole of Ireland. O'Connell had again proved to be in the right, and his legal acumen had prevailed over that of the Castle lawyers. An immense sum of money had been wasted over the law proceedings, and the whole course of the Irish law officers and the Irish judges, from the packing of the jury and the charge of the Chief Justice, to the decisions of the Court of Queen's Bench, had been shown to be a long tissue of illegalities, covering, under the pretence of law, the determination to find guilty and to punish the man, whom the vast masses of the Irish people honoured, followed, and obeyed.

The judgment of the House of Lords has since been generally approved by the ablest jurists who have examined the case. The result at the time was a great humiliation to the Irish Executive and their legal advisers, and the Irish courts of law. The effort to secure the conviction and condemnation of O'Connell by the use of legal *chicane*, worthy only of the most corrupt periods of judicial subserviency, had failed. "Peel," said Disraeli, "never recovered this blow. . . . Resolute not to recur to his ancient Orangemen, yet desperate, after his discomfiture, of rallying a moderate party to his Ministry, his practical mind, more clear-sighted than far-seeing, was alarmed at the absence of all influence for the government of Ireland." \*

He was, however, not a little favoured by events. O'Connell came out of prison an altered man. The immense exertions he had gone through in the Repeal agitation of 1843, culminating in the anxieties of the

\* "Life of Lord George Bentinck." p. 99.

trial, and the excitement of his meetings in England, had hastened the development of disease, which, there is reason to believe, had already commenced. It had been remarked that the defence, which he read to the jury in his trial, had been wanting in his old vigour. He no longer had the power to avail himself of the advantage which the legal failure of the Government afforded him. His proceedings were very different to what they would have been a quarter of a century earlier, if on the Catholic question a similar breakdown of the Government plans had occurred. Age and incipient disease had dimmed his perceptions and slackened his energy. At sixty-nine years of age there are few men equal to conduct a great political movement, involving constant appeals to the people.

During his confinement, the leadership of the Repeal Association had, by the wish of O'Connell, fallen on Smith O'Brien, who had publicly joined the movement only shortly before, and who for the first time announced himself as a Repealer, when he appeared in the Court of Queen's Bench by the side of O'Connell. Though differing in temperament from O'Connell, and wanting the great agitator's power of appealing to the hearts of the people, he had many qualities which fitted him for the task. He inspired the Association with a tone of confidence and self-respect. He summoned the Irish Repeal members from Parliament to take part in the proceedings at Conciliation Hall; he endeavoured to give to these meetings a character truly representative of Ireland; he advised that every election, whether to Parliament or to local bodies, should be contested by candidates favourable to the national cause; he endeavoured to raise the character and quality of these representatives; he instituted a Parliamentary Committee, which reported on many Irish questions with a completeness of knowledge, of great importance in educating public opinion. A spirit of calmness and confidence was thus infused into the Association and its followers in the country.

When again in a position to resume command of the Association and of the movement, O'Connell showed weakness and vacillation. He was unable to suggest any programme for future action. He was received at a meeting of the Association with an enthusiasm never surpassed; but the discussions there led to nothing, and he soon after retreated to his home in Kerry for rest and quiet. The more ardent spirits of the movement, who had urged a renewed attempt to hold a monster meeting at Clontarf, and an organization of the Association on the plan of a complete representation of Ireland, were deeply disappointed. The feud between the two wings of the party broke out again; and in consequence of this and of the inaction which was the result of divided counsel, the cause speedily lost ground.

After a month's retreat at Darrynane Abbey, O'Connell issued an address to the Association, in which, while throwing cold water on the various plans which had been suggested for taking advantage of the victory gained over the Government, he intimated his preference for a plan of Federalism, as opposed to a simple repeal of the Act of Union. "For my part," he said, "I will own that since I have come to contemplate the specific differences, such as they are, between Repeal and Federation, I do at present feel a preference for the Federative plan, as tending more to the utility of Ireland, and the maintenance of the connection with England, than the proposal of simple Repeal. But I won't either deliberately propose or deliberately adopt from some other person a plan of Federative Union before I bind myself to the opinion I now entertain. The Federalists cannot but perceive that there has been on my part a pause in the agitation for Repeal since my liberation from unjust captivity." \* "Federalism, as it was thus understood," says Sir C. Gavan Duffy, "meant little more than the creation

\* Repeal Association, October 14, quoted by Sir C. Gavan Duffy, 'Young Ireland,' p. 213.

of a Legislative Council, with fiscal powers somewhat in excess of the fiscal powers of a grand jury, but not authorized to deal with the greatest concerns of a nation, domestic and international trade, the land code, education, national defences, and the subsidies to religious denominations." "Once adopted by O'Connell," he adds, "it would have to encounter the same hostility as his original demand; and it would have gained no countervailing support, for nothing was more certain than that the men who gave Federalism its chief importance would not enlist under his leadership." O'Connell's proposal created great disappointment, and aroused strong opposition from all the more active men in the movement; nor did it tend to conciliate that smaller section which had propounded the plan of Federalism. O'Connell was compelled to beat a retreat. At the next meeting of the Association, he stated that his view with respect to Federalism was that it could not be adopted till Ireland had a Parliament of her own, because only then would she be on equal terms with England. He had intended to call on the Federalists to show their hands and to propose their plan; he hoped for the assistance of the Federalists, and opened the door as wide as possible for them without letting out Irish liberty. Till they produced their plan he would bind himself to nothing; and he ended by saying that meanwhile he would have nothing to do with them.

As a matter of tactics, O'Connell's course on this subject must be considered a serious mistake. Federalism might have formed the subject of compromise with the opponents of the national movement, when it was certain that the popular will could no longer be resisted, and that concessions must be made. To adopt it at this juncture was to injure the cause he had at heart, to estrange the most ardent supporters of the national movement, to show weakness in the face of the enemy, to throw away a card which, at the proper moment, might have been one of the utmost



value, and to change the issue to another plan, which was at the time as certain to meet with an equal resistance from the opponents of Repeal, while it would attract but few, if any, fresh adherents. O'Connell's disavowal of Federalism destroyed whatever party existed favourable to this solution of the Irish question, and merged them in permanent hostility to the Irish movement. On the failure and withdrawal of O'Connell's suggestion, no other policy of immediate action was proposed, and the advantage gained by the recent discomfiture of the Government was lost by inaction and divided councils.

It is necessary now to revert to Peel's alternative policy to repeal of the Union. It cannot be doubted that the Irish question weighed heavily on his mind. He was deeply anxious to do something which should heal as far as possible the difference between Ireland and England. He was quite prepared to break with his old allies, the Orange party; he perceived that it was impossible to govern the country through them. He determined to deal with three great questions affecting Ireland, in a spirit totally different from anything that could have been recommended to him from that quarter, and to act even in a manner opposed to the interests of the landlords. These three questions were the tenure of land in respect of tenants' improvements, the education of the priests at Maynooth College, and the higher education of those to whom the magnificent endowments of Trinity College were closed. It has already been shown that, in the long debate on Irish policy in 1843, he had promised a Royal Commission on the tenure of land, and had himself hinted at the possibility of measures to restrain the inordinate powers of Irish landlords, when exercised with injustice.

The Commission then appointed, known commonly as the Devon Commission, from its chairman, Lord Devon, was essentially in its constitution a landlords' commission; no representative of any other interest

was upon it, nor any one who was likely to take an independent view of the controversy between landlord and tenant. O'Connell said of it, "You might as well consult butchers about keeping Lent as consult these men about the rights of farmers." Nevertheless, the inquiry brought together a mass of facts, throwing the most valuable light upon the whole subject. The Commission had visited every part of Ireland, and had examined a vast number of witnesses; and all the facts which in after-years formed the basis of land legislation of a very wide character, were fully laid before the public. "It is admitted on all hands," said the Commissioners, "that, according to the general practice of Ireland, the landlord builds neither dwelling-house nor farm-office, nor puts fences, gates, etc., into good order, before he lets his land to a tenant. The cases in which a landlord does any of these things are the exceptions. In most cases, whatever is done in the way of building and fencing is done by the tenant; and in the ordinary language of the country, dwelling-houses, farm-buildings, or even the making of fences, are described by the general word 'improvements,' which is thus employed to denote the necessary adjuncts to a farm, without which in England or Scotland no tenant would be found to rent it." The custom prevailing in Ulster in the nature of "tenant right" was fully and minutely described. It was shown that under this custom the tenants claimed and generally exercised the right of disposing of their holdings for valuable consideration, commonly amounting to ten or even fifteen years' purchase of the rent. "Anomalous as this custom is," the report said, "if considered with reference to all ordinary notions of property, it must be admitted that the district in which it prevails has thriven and improved beyond other parts of the country; and although we can foresee some danger to the just rights of property from the unlimited allowance of this 'tenant right,' yet we are sure that evils more immediate and of a still greater

magnitude would result from any hasty or general disallowance of it, and still less can we recommend any interference with it by law." With respect to other parts of Ireland, they pointed out the extreme insecurity of the position of tenants, and the discouragement to improvement that arose from the want of some certain tenure of the land. They stated that more than one-half of the land was held in yearly tenancies, liable to be brought to an end at six months' notice, and that the remainder was let on leases for lives. They said that these leases, containing generally covenants for renewal on payment of a moderate fine, though manifestly intended to be perpetual, had proved to be a source of frequent litigation ; forfeitures of the right to enforce a renewal daily occurred through the dexterous management of landlords, and covenants treated in some cases for more than "a century as entitling tenants to renewal for ever, had been construed by courts of law as not conferring that right." No person, they added, acquainted with Ireland could doubt the importance of encouraging agricultural improvement, including in that term improvement of the dwellings and farm-buildings as well as the better cultivation of the soil. "In some instances the tenant may have capital which he will readily expend on the land, if he can only be assured that he shall enjoy an adequate return for his expenditure in the length and certainty of his tenure, or can have secured to him a fair compensation for his outlay and labour on quitting the farm. On the other hand, it not unfrequently occurs that the only capital which the occupier of the soil possesses is to be found in the labour of himself and his family ; if you show him in what manner the application of that labour may be rendered most conducive to his own comfort and permanent benefit, and assist him with money and materials which his labour cannot supply, you will generally find the Irish tenant ready to co-operate with you in effecting improvements beneficial alike to himself and to the country."

“It is because we believe in the concurrent testimony of many witnesses that the attainment of these desirable objects is impeded by the feelings of distrust and insecurity that too often prevail amongst the tenant class in Ireland, that we venture to recommend some legislative interference on this point. Although it is certainly desirable that the fair remuneration to which a tenant is entitled for his outlay of capital or labour in permanent improvements should be secured to him by voluntary agreement rather than by compulsion of law, yet, upon a review of all the evidence furnished to us upon the subject, we believe that some legislative measure will be found necessary in order to give efficacy to such agreements, as well as to provide for those cases which cannot be settled by private arrangements.”

Of the condition of the labourers, they said, “A reference to the evidence will show that the agricultural labourer of Ireland continues to suffer the greatest privations; that he continues to depend upon casual and precarious employment for subsistence; that he is badly housed, badly fed, badly clothed, and badly paid for his labour. Our personal experience and observation have afforded us a melancholy confirmation of these statements, and we cannot forbear expressing our strong sense of the patient endurance which the labouring classes have generally exhibited under sufferings greater, we believe, than the people of any other country in Europe have to sustain.” Among the means of effecting improvements in the condition of these labourers they specially referred to—“an increased and improved cultivation of the soil, to be effected by securing to the tenants through law fair remuneration for the outlay of their capital and labour.”

“We are convinced,” they said, “that, in the present state of feeling in Ireland, no single measure can be better calculated to allay discontent and to promote substantial improvements throughout the country. In some cases, the existence of such a law will incline

the landlord to expend his own capital in making permanent improvements. In others, he may be called upon, on the eviction or retirement of tenants, to provide the amount for which their claims may be established under the Act." While the Commission thus provided the most ample materials on which to found great changes in the law, which all subsequent inquiries have only confirmed and have scarcely added to, and while the logical conclusion to be drawn from their report was undoubtedly the legal recognition of the Ulster tenant-right custom, and analogous protection elsewhere to tenants' improvements and interest, their specific recommendations fell very far short of this, and seem to have been based upon an extremely narrow view of the subject, such as would be held by those accustomed only to the English system, and applicable at best only to large holdings. Though they admitted that evils of great magnitude would result from any attempt on the part of the law to disallow the tenant-right custom existing in Ulster, they failed to point out that the tenants' interests already existing under it were entirely without any protection from the law, and that it was within the legal power of the landlords to confiscate this interest, either by ejectment or by raising the rent; and they suggested no proposal for giving this protection. Their specific proposals were confined (1) to giving power to landlord and tenant to register agreements relative to improvements on farms, with power to the assistant-barristers to enforce them, subject to appeal to the Assize Courts; (2) securing to tenants compensation on disturbance of their holdings for permanent improvements, of which they had given notice at the time of effecting them to their landlords, subject to various formalities—inspection, etc.

Compensation, therefore, was to be provided only for prospective improvements, and not for past improvements and, after formalities, where the landlords would have every opportunity of objecting. It is obvious that such proposals were wholly unsuited to

nine out of ten of the Irish tenants, and, if adopted, would have led to no practical result. The Commissioners also recommended that power should be given for the sale of encumbered estates, in order that land might pass into the hands of those with capital to improve it—a recommendation which was ultimately realized in the Encumbered Estates Act.

The report was presented in February, 1845, and the chairman, Lord Devon, lost no time in pressing the Government to carry out its suggestions. On May 6, he presented numerous petitions on the subject to the House of Lords. Lord Stanley, who had recently been raised to the peerage during the lifetime of his father, admitted the urgency of the question, and promised legislation on behalf of the Government. "Nothing," he said, "went so much to the root of the social condition of Ireland as the providing greater security to the industrious tenant, and compensation for the permanent, or almost permanent, improvements effected by him during his occupation of the land." A measure with this object was consequently prepared by the Government. It is obvious that such a measure, dealing with the rights of landlords, should have been introduced in the House of Commons, so that it might go ultimately to the Lords with the weight of public opinion resulting from its adoption by the representatives of the people. It may be permitted to doubt the earnestness, if not the good faith, of the Government, when they decided to produce such a measure in an assembly of landlords, where the only representatives of Ireland were deeply and personally affected by it. Lord Stanley, however, introduced it in an admirable speech, replete with knowledge of the subject, and with powerful arguments, which would have supported a far wider measure—one little short of the Land Acts of 1870 and 1881. He dwelt on the great difference between the English and the Irish land systems, and pointed out the necessity for giving to Irish tenants security for their improvements. "The remedy for the evils of Ireland,"

he said, "is not emigration, but a system under which the tenant would be induced to invest his labour and capital on the land." The measure, indeed, fell far short of the premises thus laid down, though it exceeded somewhat the recommendations of the Devon Commission. It proposed to secure compensation to tenants for permanent improvements, effected with the consent of the landlords, and even in other cases without their consent, provided the improvements had been effected with the approval of Commissioners, who were to inspect the land, and to give their opinion whether the improvements would be beneficial to it, and who would also be empowered to award compensation in case of eviction. It will be observed that the proposal dealt with prospective improvements only, and necessitated the application to a Commission, when the landlord objected, and before whom the landlord would have the right to appear.

In explaining and supporting this proposal, Stanley used this striking language. "Imagine the case of any one of your lordships having an estate of £20,000 a year, divided into twenty-acre farms, the owner never visiting the tenants, those tenants holding as tenants-at-will only, paying a rack-rent, and required not only to make good and keep in repair all drains, fences, and outbuildings, but even to build their dwelling-houses. Could that noble lord be surprised to find that no improvement took place in those farms, and that the dwellings of the tenants were mere hovels? Could he be surprised to find on those farms everything neglected and in ruin; the land unproductive, the cultivation defective, and the estate peopled, not by an industrious, thriving, and peaceful, but by an idle, a dissolute, and a disturbed people? And yet this, with some honourable exceptions, is not a highly coloured or exaggerated picture of the position of a large portion of the tenantry of Ireland. Then is not this a state of things in which, when it is for the interest of the landlord himself, we should interfere, to

give to the tenant some security and encouragement, so that, if he chose to spend his capital and labour in improvements, he should not be turned out of his wretched holding without compensation for his outlay, whether of money or of labour?" After describing the tenant-right of Ulster, which had been devised to give to the tenants of the north the "security and encouragement" denied their southern countrymen, he said, "What is the case with the rest of Ireland? There the tenant holds by a more dangerous tenure—by the security he derives from the fears of the landlord." No better exposition has ever been made of the condition of things existing in Ireland, and of the cruel state of the law as regards the tenants.

The proposal, however, to give power to a Commission to override the will of landlords was most distasteful to that class in Ireland. They bitterly and obstinately opposed the Bill, under the leadership of Lord Clanricarde and Lord Londonderry. It was read a second time on June 24, in spite of the protest of twenty-one Irish Peers. It was then referred to a Select Committee, on which Lord Clanricarde refused to serve; and on July 15 Lord Stanley abandoned the Bill, "in consequence of the strong feeling manifested against it by the Select Committee and the House." \* Thus the most important of Peel's remedial measures—one which, though imperfect and insufficient, yet touched the social grievances of the Irish people—was, naturally enough it must be allowed, rejected by a House of landlords.

Peel showed far greater earnestness and determination on behalf of the other two measures, by which he hoped to stem the torrent of Irish discontent. Had he shown the same energy in dealing with the land question, and had he staked the existence of his Government upon remedial measures calculated to put

\* The proceedings on this measure are described at length in Mr. Barry O'Brien's "Parliamentary History of the Irish Land Question," pp. 70, 75.



the Irish tenants in a position of security, he might, even at the eleventh hour, have brought peace to Ireland. It is well recognized now that the question of the land has been far more at the root of discontent than even the religious animosities caused by an alien Church. The Devon Commission had laid bare all the evils of the Irish land system. Peel had shown, by his speech in 1845, that he was capable of appreciating the facts thus brought before him, and knew that a remedy was needed, wider even than that which he laid before the House of Lords. For what purpose was the Commission appointed if its recommendations were to be neglected?

Giving way to the prejudices of the landlords on the land question, Peel determined to press upon Parliament a measure dealing with a small fringe of the religious question, in a way which arrayed against him the religious feelings of vast masses of his countrymen, without effecting a lasting settlement of the whole question in Ireland. He proposed to increase largely the Parliamentary grant to the Catholic College for priests at Maynooth, and to withdraw the amount from the annual vote of the House of Commons, which constantly gave rise to irritating and offensive discussions. The grant of £6000 a year, originally made in 1795, had been increased in 1813 to £9000 a year. This, however, was wholly insufficient for the purpose. The college was conducted with a sordid economy, prejudicial to the object for which it was founded, and discreditable to the State. Peel's proposal was conceived in a generous spirit. He offered an immediate grant of £30,000 for the erection of buildings, and an annual grant of £21,000 to be included in the consolidated fund, so as to avoid the discussion on an annual vote.

There had been some negotiations between the British Government and the papal court at Rome, the precise nature of which has never been made known, but which gave rise to an alarm in Ireland

that a *concordat* was contemplated, under which, in return for advantages to be conceded to the Catholic Church, the British Government was to have control over the appointment of the Irish bishops and priests. The rumours to this effect elicited a strong expression of disapproval from all quarters in Ireland, which led to a disavowal by the Government. The papal authorities, however, issued a rescript to the Archbishop of Armagh, the Catholic primate, directing him to counsel the clergy of Ireland and their bishops against taking an active part in political meetings. Whether this action of the papal court and the Maynooth proposal were merely coincident, or had some connection with each other, does not appear. It is probable, however, that among the objects which Peel had in view by increasing the Maynooth Grant, was to detach the priests from the national cause. It is difficult to believe that he seriously thought that the increase of the grant would have much effect in quieting public opinion in Ireland, although he frequently defended his policy on this ground.

His proposal led to vehement and prolonged opposition on the part of English and Scotch members. It roused the Protestant feelings of a large section of the people of Great Britain. Petitions against it poured in by thousands from every part of the country, and there can be little doubt that, if they had been consulted on this question, a large majority of the electors of Great Britain would have rejected the measure. It was, however, carried by a combination of the official Tories and of those members on whom the Government could rely as steady party supporters, independent of any popular opinion, and of the Whig leaders and their immediate followers, while it was resisted by a large proportion of the rank and file of the Tory party, and by not a few of the Radical wing of the Opposition. Peel rested his support of the measure, not on the justice of doing something to mitigate the unequal treatment of religious sects in Ireland, but

mainly on the ground that the question of principle involved, namely, the education of the Catholic priests, had already been conceded before the Act of Union, and was therefore to be considered as a Parliamentary obligation, which ought to be discharged in a generous spirit; he also urged that, under the circumstances of the foreign difficulties of the country in relation to the disputes with the United States about the Oregon territory, it was necessary to make an effort to secure tranquillity and content in Ireland. He concluded his speech on the second reading with these remarkable words: "We have been responsible for the peace of Ireland. You must in some way or other break up that formidable confederacy which exists there against the British Government and British connection. I do not believe you can break it up by force. I believe you can do much by acting in a spirit of kindness, forbearance, and generosity. There rises in the far western horizon a cloud, small indeed, but threatening future storms. Ministers were lately called upon to declare that they were prepared and determined to maintain the rights of this country. I own to you that when I was called upon to make that declaration I did recollect with satisfaction and consolation that the day before I had sent a message of peace to Ireland." This long debate is interesting as the occasion of the *début* on Irish questions of two statesmen destined to take a conspicuous part in them for many years to come—Mr. Gladstone and Mr. Bright. Mr. Bright opposed the measure. He was against all State endowments of religion; he considered the Established Church of Ireland the root of all the evils of Ireland; he was unwilling to support any measure which would tend to bolster up that institution, and which could only be justified on account of its existence.\* Mr. Gladstone, on the other hand, supported the measure. He had, however, resigned his post in the Government on the announcement of Peel's intention to propose it, because

\* Mr. Cobden spoke and voted in favour of the grant.

it was wholly inconsistent with the views which he had deliberately published on the relation of a Christian State in its alliance with a Christian Church, and he considered that he ought not to be a party to a material departure from the principles which he had then advocated. He desired to be free to examine the question from an independent point of view ; and he felt the better able, when unconnected with the Government, to give a support to the proposal on the ground of expediency, and on account of the great numbers and poverty of the Roman Catholic people of Ireland, the difficulty they experienced in providing for themselves the necessaries of life, and the still greater difficulty which they found in providing for themselves preachers of their own faith and in procuring means for educating them ; and further, that whatever gave ease and comfort to the professors of the College of Maynooth would tend to soothe and soften the tone of the college itself. Lord John Russell, as leader of the Opposition and of the Whig party, heartily supported the proposal of the Government. He regarded it as a step towards a large and comprehensive scheme for the future payment of the Catholic clergy. "The arguments," he said, "which are so sound and so incontrovertible, to induce the House to found an endowment for the education of the Roman Catholic priesthood, will prove on another occasion as sound and as incontrovertible with respect to an endowment for the maintenance of that priesthood."

The measure passed the second reading by a majority of 147,\* and was adopted by the Lords by a majority of more than three to one. Its reception, however, by the country proved the death-blow to the hopes of those who looked forward to the endowment of the Catholic priesthood in Ireland. If a measure so small and so defensible, one which only confirmed a policy long accepted and acted upon by Parliament, one which carried out what might fairly be considered a

\* For the second reading, 323 ; against, 176.

part of the arrangement made at the time of the Union, led to such vehement opposition and roused so much of the *odium theologicum*, what would be the fate of any Ministry which should propose to take into the pay of the Government the whole of the hierarchy and priesthood of the Catholic Church in Ireland? It became clear that it would be totally impossible to convince the country of the policy of any such proposal. Henceforth, therefore, there was only one solution of the religious question in Ireland, only one method of effecting that equality which was so much required, namely, that of levelling down the Protestant Church by disestablishment and disendowment, rather than levelling up the Catholic Church by State grants. Whatever hopes Peel may have had of detaching the Catholic priesthood from the national cause by this necessary and somewhat small act of generosity to Maynooth, were also disappointed. The College of Maynooth has undoubtedly contributed to foster a national spirit among the priests educated there; and the younger generation have grown up with feelings far more hostile to the Government of Ireland and to the Imperial Parliament than the older generation, who had been educated in France, and who there imbibed more cosmopolitan opinions, which enabled them often to act rather as mediators between opposing classes in Ireland, than as the advocates of only one.\*

If Peel, in the opinion of the religious sectaries of England and Scotland, went too far in a policy of con-

\* So early as 1823, Dr. Doyle, the Bishop of Kildare and Leighlin, had pointed out this change. Writing to Lord Wellesley, he said, "The Government of England cannot look to the exertions of the Catholic priesthood . . . The clergy, with few exceptions, are from the ranks of the people; they inherit their feelings; they are not, as formerly, brought up under despotic governments; they have imbibed the doctrines of Locke and Paley more deeply than those of Bellarmin, or even of Bossuet, on the divine right of kings; and they know much more of the principles of the constitution than they do of passive resistance."—Letter quoted in "Life of Lord Plunket," vol. ii. p. 127.

ciliation to the Catholics of Ireland, in endowing a college for the education of the priests, he erred in the opposite direction in his other measure for Ireland, that for the creation of colleges for the higher education of the middle classes of the country. Up to that time the Protestant minority had a monopoly of university education. The richly endowed Trinity College at Dublin excluded Catholics from its scholarships, fellowships, and professional staff. Catholics had even been forbidden to avail themselves of the college as students, in the palmy days of the penal laws; but the Irish Parliament, in 1793, had relaxed this rule to the extent of allowing Catholics to enter as students; they were still, however, unable to share in the rewards offered to competitors by scholarships, unless they were prepared to take the sacrament according to the rites of the Established Church.

Peel was unable or unwilling to force the authorities of Trinity College to abandon their exclusively Protestant character; on the other hand, he felt that he could not persuade the English or Scotch people to agree to the endowment out of State funds of an exclusively Catholic university; he determined, therefore, to apply to higher education the principle of a mixed system, which had been adopted by Stanley in the case of the primary schools, against the wish of the majority of the people of Ireland. It need scarcely be pointed out how illogical was the position of a Minister who proposed this, and who at the same time was giving his utmost support to the then sectarian system of the English universities. In England, the views of the majority were to prevail, and endowments, the greater part of which had been devoted to collegiate and university purposes, coupled with the condition of maintaining their Catholic character, had been diverted from this original character by the authority of Parliament and converted into Protestant institutions. In Ireland, the majority was to be allowed no voice in the choice of its university system. It was not permitted to

determine the application of existing endowments, which had been exclusively appropriated to the use of the minority, nor was it consulted as to the system to be applied for the benefit of those who were unprovided for, in consequence of the exclusiveness of the existing foundations.

The plan of the Government was to found, out of State funds, at Cork, Galway, and Belfast, three colleges of a non-sectarian character, which colleges, if they should succeed and take root, were later on to be united together under one university; for this purpose Parliament was asked to vote a lump sum of £100,000 for buildings, and £31,000 a year for the professional staff in the several faculties of Arts, Law, and Physic, as should from time to time be established by the Government. Religious teaching was by implication excluded from these benefactions, as no endowment was provided for it. It was, however, to be permitted to any one to endow religious teachers by private donations; it was to be lawful also for the authorities to set apart lecture-rooms where such religious teachers, as should be recognized by them, might give instruction; but it was also expressly provided that no student should be compelled to attend any theological lecture or religious instruction other than that approved by his parents or guardians; regulations, moreover, might be made for securing the due attendance of students at churches or chapels approved by their parents or guardians. Nothing would be fairer than this arrangement, from the point of view that it was not the duty of the State either to encourage any special sect, or to discourage the teaching of any religious views which the parents might require for their children. It completely secured that no moneys, voted by Parliament, should be used for sectarian teaching.

Sir James Graham, in introducing the measure, justified it to a large extent on the ground of the impossibility of opening the endowments of Trinity College to Catholics. "Any attempt," he said, "to force

the Roman Catholics or Dissenters upon the fellowships and scholarships of Trinity College would render a revision of its statutes necessary, and would give such an offence to Protestant feeling throughout the empire, that he had no hesitation in saying that to such a proposition the Government would not give the slightest sanction. Trinity College was endowed for the education of priests of the Church of England, and he could not consent to have its property invaded or the uses of it disturbed for any consideration whatever."

In the first instance, the proposal appeared to give satisfaction in Ireland, and was well received by the Irish members. The new colleges were, however, denounced by the representatives of the extreme Protestant party of England, who desired that religious education should be forced upon the students, and that of a quality their parents disapproved. The Catholic bishops of Ireland were also at first divided in their opinion on the subject; one-half of them were favourable to the scheme. The others, led by Dr. MacHale, Archbishop of Tuam, were violently opposed to it. The bishops, as a body, subsequently met, and agreed to accept the measure, provided certain securities were conceded to them. They claimed that a fair proportion of the professors should be Catholics; that a Board of Trustees, of whom the Catholic bishops of the provinces within which the colleges were situate should be members, should have power to remove any professor or teacher convicted of tampering with the faith or morals of the student, and that Catholic chaplains should be appointed to superintend the religious instruction of the Catholic students.

In the ranks of the Repealers there broke out a violent dispute on the subject. The "Young Ireland" party were strongly in favour of the measure. It was in accordance with their general policy that every means ought to be taken to unite the various sections of Ireland. They approved the plan of bringing



students of different religious views together. They believed that in this union and mixing of classes, hitherto so separate in Ireland, there was the best hope of realizing their aims of a national Parliament. O'Connell took a very opposite view. He refused to allow the question to be withdrawn from discussion in the Repeal Association; he insisted upon a decision; he denounced the whole scheme in violent language. "A more nefarious attempt at profligacy and corruption never disgraced any Minister." The discussion led to bitter controversy in Ireland, where Thomas Davis defended the system of mixed education. O'Connell replied by a violent attack on his opponents. "The section of politicians styling themselves the 'Young Ireland' party, anxious to rule the destinies of this country, start up and support this measure. There is no such party as that styled 'Young Ireland.' There may be a few individuals who take that denomination on themselves. I am for 'Old Ireland.' 'Tis time this delusion should be put an end to. 'Young Ireland' may play what pranks they please; I do not envy them the name they rejoice in. I shall stand by 'Old Ireland,' and I have some slight notion 'Old Ireland' will stand by me." This led to a painful scene, and laid the seeds of disunion and disaffection which ultimately resulted in breaking up the Association.\* No decision was come to by the Association as to the Bill, but it was decided to press for amendments.

O'Connell, who had not crossed the Irish Channel for the discussions on the Maynooth Bill, now went to Parliament expressly to oppose the scheme for the new colleges. He stated in the House of Commons that the Catholic bishops were not satisfied with the amendments offered by the Government. Of what use was the expenditure of money if they did not succeed in their object? They could not succeed if they did not

\* The proceedings of the Repeal Association on this subject are fully described in an interesting chapter of Gavan Duffy's "Young Ireland."

attend to the advice of the Irish bishops. He had the authority of the Archbishop of Tuam for saying that the bishops considered the scheme to be a bad one, and the Bill a penal and revolting one, because they were deprived of doing the duty which they owed to the principles of their religion. He thanked Sir Robert Inglis, the member for the University of Oxford, for calling the scheme a "godless scheme of education." "I believe," he said, "that religion ought to be the basis of education, and I came over for no other purpose than humbly to represent the necessity of making religion the basis of education; to establish it not only as a part, but as a necessary part." Lord John Russell, upon this, said that the declaration of O'Connell was very important; he feared that, unless the Bill was made acceptable to the Roman Catholics, it would not be of much use to Ireland. If the Bill, after it came out of committee, should still remain under their stigma, it would be likely to produce more prejudice than benefit to Ireland.

The Ministers refused concessions, and the Bill passed by large majorities. On its third reading, a motion was made, directed against the exclusive character of Trinity College, and proposing to open its endowments to persons of all creeds. Mr. Sheil, who had differed from O'Connell, and sided on this question with the "Young Ireland" party, made a brilliant speech, in which he advocated mixed education, as particularly desirable in Ireland for soothing religious animosities, and for training youths of different creeds in habits of friendly association; but he insisted that a mixed secular education ought to be combined with a separate religious instruction, which would be quite practicable. "So long as you keep Trinity College in its supremacy," he said, "you will make your academic education, for all political purposes, an entire failure. Your provincial academies will be marked with all the characteristics of mediocrity, which will only render the elevation of Trinity College more

conspicuous by the inferiority with which it will be surrounded."

Sir Robert Peel replied that his Government had exerted itself to promote equality in Ireland, and in so doing had given umbrage, he feared, to the majority of the people of Great Britain. He admitted that secular instruction would be imperfect without religious instruction; and he believed that the best mode of effecting this would be to give every facility of affording it, without exciting jealousy, by placing it under the control of the heads of the institutions. This might be an erroneous proceeding on the part of the Government; but still the principle on which the institutions were founded was that of perfect equality, which he believed would be generally acceptable. The opinion of the Roman Catholic prelates was, indeed, for the present, against them, and he admitted that their sanction and assent were almost essential to success. With respect to Dublin College, he contended that it was intended to be an exclusively Protestant institution. Ministers were not to be charged with want of equality for not opening it to the Roman Catholics. He concluded by again recalling to mind that he had sacrificed the representation of Oxford, and risked the alienation of friends, because he was determined to do justice to the Roman Catholics, declaring that there was still no sacrifice that he would not make to do justice between them and the Protestants. Lord John Russell, in reply, admitted the merits of the Bill, but pointed out that the higher kind of education was to be obtained solely at the Dublin College, presided over by a body exclusively Protestant; and that, he insisted, was not equality. The way to give equality would have been either to make a separate institution for Roman Catholics, or to open to them so much of Trinity College as was of a similar value. His motion was defeated by a majority of seventy-seven, and the measure was passed into law.

The Queen's colleges were established. They commenced with a fair prospect of success; not a few Catholic students joined them. In 1850, they were affiliated under a common university. In 1851, the Catholic bishops met in Synod at Thurles, and emphatically condemned the new system, and recommended the establishment of a Catholic university. With that object a Catholic college was founded in 1854, by the aid of private subscriptions; it drew away a large proportion of Catholic students from the Queen's colleges. Though these colleges have done much useful work, they failed to settle the question, or to meet the wants of Ireland. The Catholic students continually dwindled in numbers under the influence of their Church. It was twenty-five years before Trinity College, under pressure from Parliament, threw open its endowments to persons of all religious denominations. It was then too late as a concession to Catholic opinion. Later, in 1873, Mr. Gladstone staked the fate of his Government on another attempt to settle the question, and was defeated.

Looking back at the measure of 1845, it is impossible to regard it as otherwise than an unfortunate arrangement. It failed because it halted between two distinct policies. If Trinity College had at the same time been thrown open to Catholics, the measure would have been based on equality. If really Catholic colleges had been endowed by the State, and affiliated with Trinity College to one university, there would also have been equality. The scheme adopted was a compromise, which failed to place Catholics and Protestants on the same educational level, while it provoked religious hostility all round. It left the old sting of exclusion of the Catholics from Trinity College, and it did not provide for the Catholics the same privileges and securities for religious education as the Protestants claimed and enjoyed in Trinity College. It may be doubted what would have been the decision of Ireland

itself, if at that time its people had been consulted, under a fair system of representation, as to the principle on which its university system should be based. "Young Ireland" favoured a mixed system. The Catholic Church desired a distinctly denominational system. It is possible that the Protestants, when thrown on their own resources, and no longer able to rely on English support, would have joined the more advanced section of the Catholics in supporting the mixed system, even if it involved throwing open the endowments of Trinity College.

The establishment of the Queen's colleges was the last effort of Peel's Government to deal with exclusively Irish legislation. The Maynooth grant gave satisfaction within the limits which it proposed. It was, however, at best a sop to the Catholics—an insufficient palliation to the religious inequality which existed in Ireland. If the principle on which it was founded was right, it should have been carried much further, and the Catholic priesthood should have received an endowment from the State; but public opinion in England would not have supported this, and the agitation resulting from the smaller measure showed that the wider one was wholly impossible to any Ministry. The measure for higher education, though framed with good intentions, was not based on equality, and failed to give satisfaction to the Catholics, who were the real sufferers from the previous state of things. The two other Irish measures, the Franchise Bill and the Tenants' Compensation Bill, had failed to pass. Nothing, therefore, was done which touched either the political or social grievances of the mass of the people.

## CHAPTER II.

IN the autumn of 1845 there appeared the first symptoms of the calamity, which was to desolate Ireland with famine and disease, and to cause an emigration of its people on a scale of unprecedented magnitude. The season was exceptionally wet, and blight fell upon the potato crop, on which more than one-half of the whole population depended for their very existence. The census of 1841 showed the population of Ireland to be 8,175,000; and in 1845 this number had probably increased to 8,600,000. In the beginning of the century it had been a little over 5,000,000. This rapid increase in the first half of the century, and the low social condition of so large a proportion of the people, has always been a subject of the greatest interest, and has scarcely yet been fully explained. English economists and writers, till within recent years, generally held it to be the natural and necessary result of a system of small agricultural holdings. They held up Ireland as a warning against the system of peasant cultivators and the subdivision of land; and they prophesied that other countries, such as France, where the law favoured the multiplication of owners of land, "would become pauper warrens, and, along with Ireland, provide hewers of wood and drawers of water for other countries." \* Later observers, however, have perceived that these results were not realized in France and other countries, where the ownership of land is greatly divided, and political economists, led by Mr. J. S. Mill, were

\* McCulloch's "Political Economy," p. 164.

compelled to reconsider the conclusions of the previous generation.

In France, before the Revolution of 1789, the general state of the rural population was not very different from that of Ireland, and Arthur Young, in his travels in the two countries, described their conditions as very similar. In France, as in Ireland, the land was held in immense properties, the owners of which were seldom resident, and cared little for their management, or for the well-being of the people upon them; their tenants were allowed to subdivide their holdings as they liked; they had no certain interest in them; they were subject to arbitrary exactions of all kinds; they had no inducement to expend their capital or labour on the land; and, as a result, they were impoverished and discontented to the last degree. The Revolution produced a great change in these conditions. It gave fixity of tenure to vast numbers of small tenants, and relieved them from feudal burdens; the great estates were broken up; entails were abolished; the properties of the *émigrés* were appropriated by the State, and were sold to a large extent to the tenants; a large part of the communal property was also sold in small plots. As a result, a vast number of small properties in land were created, where the occupiers farmed their own land. The law has since confirmed and favoured this division of property, by the process of compulsory partition among the children on the death of the owner. It is now almost universally admitted that the result of these changes in France has been beneficial in the highest degree, economically, socially, and politically. It has stimulated industry and thrift; it has offered every inducement to the peasant cultivators to improve their properties, and to expend their capital and labour upon them. The rural population of France are the most industrious, frugal, saving, and contented cultivators in the world; while the subdivision of land has not been carried to excess, and the population has increased but very slowly. So far from making the country a

“pauper warren,” the system of small proprietors has tended to the national wealth.

In Ireland, the superior power of England stamped out, in 1798, the revolutionary ideas, which had spread from France, as they had to many other countries in Europe, and which, if left to develop, would have produced great social changes, and have led to a settlement between landlord and tenant. The existing system was thus artificially protected and prolonged. In proportion to its size and population, the owners of land in Ireland were fewer in number than in almost any other country in Europe; they were in the main of a different race and religion to the occupiers of the soil; their titles dated from a time not remote, and still fresh in the memories of the people, when, by a series of confiscations, the native proprietors were deprived of their estates; there was little, therefore, in common between landlords and tenants. A large proportion of the landowners had always been absentees. The Union, by offering so many inducements to the upper classes of Ireland to transfer themselves to the head-quarters of political power and fashion in England, greatly increased the number of these absentees; it had also, by bringing the Irish peers and squires into emulation and competition with the wealthier landlords of England, led them into expenditure far beyond their means. As a result, a very large proportion of Irish landowners were mortgaged to an extent which greatly embarrassed them, and made it impossible for them to expend capital on their estates. Many of these absentees, and not a few resident owners, let their land for terms of years to middle-men, who relieved them of the risk of collecting rents, and who, in their turn, were interested only in making the utmost that was possible out of the holdings during their leases, wholly regardless of the ultimate condition of the properties. It was found by these people that by letting the land in very small holdings, at competition rents, the total



rental in good years could be largely increased. There was added to these causes the inducement given to subdivision by the extension of the suffrage to Catholics in 1793. It was discovered by many owners of property, that political influence was in proportion to the number of tenants they could bring to the poll. The Catholic tenants could at that time be relied upon to vote as the landlords directed. Hence arose an inducement to subdivide tenancies in order to multiply qualifications. The potato lent itself to this process. In proportion to the extent of land in cultivation, and the labour devoted to it, the potato would support a greater number of people than any other known crop. As a result of these combined influences, throughout a great part of the west and south of Ireland, every facility was given to the letting of land in small holdings of from half an acre up to five or six acres. On taking possession, the tenant would himself build a mud hut at little cost; a few weeks of labour sufficed for preparing the land for potatoes, digging the crop, and cutting the turf for fuel from the common bog; the rent was generally paid in labour; and the spare time was spent in fishing, or in work at a distance.

The general social condition of this class of small tenants was as low as it was possible to conceive. They constituted nearly half the population of Ireland, and, with rare exceptions, lived in cabins with one room only, which they often shared with their pigs. There was no inducement to them to improve their condition, either from a healthy competition with their neighbours, or from a sense of security in their holdings. The class of tenants who were more properly to be reckoned as farmers, whether cultivating very small farms or larger holdings, were equally without any security for their improvements, except such as was afforded to them by the Ulster custom, or by the fears engendered by assassination and outrage in other parts of Ireland.

It was upon a country in this condition that the

calamity of the potato disease suddenly fell in 1845. The disaster was not unprecedented or without warning. A failure, though not to the same extent, had occurred in 1821-22, and again in 1831 and 1836, and partial failures had often occurred in the south and west of Ireland, leading to grievous loss of life from famine and disease. The potato, in fact, was a precarious crop. It was one which could not be husbanded so as to economize an abundant crop to supply the deficiency of a bad harvest in the following year. It could not even be stored for a whole year's supply; and in Ireland the months of July and August, coming between the last of the old crop and the first of the new, were known as meal months, when a supply of meal must be obtained for food; and so also years of failure of the potato were known as meal years. The potato again is heavy in bulk, and is not easily conveyed any distance; in proportion to wheat in nutritive power, it is seven times heavier; and consequently it often happened that in parts of Ireland there was distress from failure of the potato, while at no very great distance the crops were abundant. Added to these conditions, was the high protective system of the imperial Parliament, by which the growth of cereals, for which the climate of Ireland was unsuitable, was greatly fostered, in respect of the larger holdings, and under which the import of the cheaper cereals, such as maize, which later became so large an element of food for the Irish people, was practically prohibited, and their value quite unknown. In this year of the failure of the potato, other crops in Ireland were abundant, and there was a large export of wheat and oats, and also of cattle, the produce of the more substantial farmers; while the people in the south and west were in the greatest want of the staple food of the peasantry, and, for reasons already explained, had no money with which to buy other food. The English harvest had been deficient, and wheat was at a high price, namely, 64s. a quarter, in July, 1845. It was obvious early in the

autumn that a grave deficiency had occurred in the food of the people of Ireland ; that the potatoes, which had fed over four millions of people in ordinary years, would suffice only for one million ; that the deficiency must be made up in some other way ; that if wheat was to be substituted, three millions of quarters would be required ; and that England itself could not supply this increased demand.

It was under these conditions that the British Government was called upon to cope with a great emergency in Ireland. It is always easy to be wise after the event ; but, even with this reservation, it is difficult to acquit the Government of want of appreciation of the serious nature of the impending calamity, and of failure to take adequate measures to deal with it. On the first intelligence of the blight, Professor Lindley and Dr. Lyon Playfair were sent to Ireland to report on the cause of the disease, and on the prospect of its continuance. Their report fully confirmed the most serious view of the calamity—the impossibility of saving the potatoes already infected, or of preventing the spread of disease among those already stored, and the probability that the next year's crop would also be diseased.

Peel himself was the first to discern the extreme gravity of the emergency. He summoned a meeting of his Cabinet on the 30th of October, at which he read a memorandum stating fully the existing conditions, and the further evils which were threatened. He showed that there was a lamentable deficiency in the ordinary food of the people in many parts of Ireland, and in some parts of England and Scotland ; that potatoes now apparently safe might become infected ; and that they must not exclude from their consideration the contingency of a great calamity. He pointed out that other countries, such as Russia, Belgium, and Holland, where the disease had also appeared in the potato plant, had already suspended their laws imposing duties on foreign grain, and that

some of them were prohibiting the export of potatoes ; he showed the necessity for coming to a conclusion as to the corn laws, either for their modification or suspension, and the difficulty of returning to a policy of protection if the duties should be suspended for a time. Finally, on November 6th, he laid before them his own proposal, namely, that by Order in Council the ports should be opened at once to the import of grain, that the duty on grain in bond should be lowered to one shilling a quarter, that Parliament should be at once summoned for the purpose of obtaining an indemnity, and that the Government should be prepared later with a scheme for the admission of maize and British colonial corn at a nominal duty, and for modifying ultimately the duties on other grains.

The question to be decided was not limited to Ireland. By a coincidence of events, the needs of Ireland for free import of food occurred at the time when the movement in England for free trade was reaching its climax. Popular opinion throughout the country had already declared itself unmistakably in favour of this measure. The agitation for it had been on a scale scarcely less than that in Ireland for the repeal of the Union, and was conducted on the same lines. During the last four years Peel had himself been led to conclusions favourable to Free Trade, partly by abstract reasoning, and partly by the experience of his own fiscal changes in that direction. Though he had come into power in 1841, pledged to protection, he was no longer able to meet with a direct negative the motion in favour of free trade, and his intention was to submit the subject to the country at the next General Election. The Irish famine precipitated the question, and rendered it necessary to come to a decision upon a much wider policy than that affecting Ireland only. The failure of the potato crop, therefore, was rather the excuse than the cause for making the change at this time. The Irish difficulty might have been met by a temporary suspension of the corn duties, or by

admitting, free of duty, maize and other substitutes for potatoes which the poorer classes could afford to purchase.

Ireland, apart from its present needs, was not specially interested in the adoption of a free trade policy. On the contrary, being a purely agricultural country, an artificial stimulus had undoubtedly been given to its productions by the protective system of the United Kingdom; the rent of its land had been kept up; and inducement had been given for the production of wheat, for which its climate was not favourable. Peel, himself, in his speech on introducing his motion for the repeal of the corn laws, admitted this: "If there was any part of the United Kingdom," he said, "likely to suffer from the withdrawal of protection, it was Ireland; for Ireland had not, as England had, the means of finding employment for her agricultural population in her manufacturing districts." His argument to his Cabinet was that famine and want in Ireland had in previous cases been met by a suspension of the duty on corn, and that it would be utterly impossible, after suspending these duties for six months, to bring them again into operation; the impossibility arose, however, not from any difficulty respecting Ireland, but from the state of opinion in England on the question of free trade.

The Cabinet, by a considerable majority, refused its assent to Peel's proposals, which were supported only by Lord Aberdeen, Sir James Graham, and Sidney Herbert; the rest objected, either because of their opposition to free trade in corn, or because they were not convinced as to the emergency in Ireland. Stanley led the opposition, on behalf of those who still favoured protection. With respect to Ireland, he had persuaded himself that there was no cause for serious alarm. There had been much injury, he admitted, to the potatoes, and they would fall very short, as the peasantry were bringing their sound potatoes into the market, through fear of their rotting; but the farmers

would be amply indemnified by their crop of oats, which was immense.\* Peel appears to have contemplated resigning at once; but, on mature consideration, he determined to retain office for the present, and to raise the question again when events should have further developed. The Cabinet, therefore, separated without making any provision to meet the needs of Ireland.

It reassembled on the 26th of November. In the mean time the reports of the spread of the disease in Ireland were still worse. It was now clear that the potatoes stocked in pits, when apparently sound, could not be relied upon. The Lord Lieutenant reported that when the evil day of scarcity should come, it would come with a fearful rapidity. Peel showed his view of the prospects by the very unusual course of negotiating, through Messrs. Baring, for the purchase, on Government account, of a very large amount of maize in the United States, with the intention of selling it at a low price in the distressed districts of Ireland. This proved to be a most wise course. The high duties on maize had hitherto entirely prevented its use for food, and at first the people, even in their distress, were very averse to it; it was dubbed as "Peel's brimstone;" but after a short time its value was appreciated, and it got into such active demand that the price in the open market at one time rose to an equality with that of wheat. The consignment purchased by Peel cost £160,000, and was sold to the people in the poorest districts at half-price.

In the interval between the meetings of the Cabinet at the beginning and the end of the month, Lord John Russell, in a celebrated letter, addressed from Edinburgh to the electors of the City of London, brought the serious nature of the prospect in Ireland before the public in a very prominent manner. He pointed out how differently a bad harvest affected the supplies of corn and potatoes; that in the one case it diminished supplies and raised the price, and consequently

\* Peel's "Memoirs," vol. ii. p. 161.

diminished consumption, and in doing so spread the stock more equally over the year ; while in the other it induced the holders to rush into the market, lest their stock should perish by keeping, and thus at once there was more rapid consumption, and impending deficiency, scarcity of the article, and cheapness, rendering the prospect of ultimate suffering more certain. He then showed the effect of the existing duties on corn ; that they were so contrived that the worse the quality of the grain, the higher the duty. He announced his own complete conversion to the principle of free trade in corn. He had been in past times of opinion that corn was an exception to the general rules of political economy, but observation and experience had convinced him that it was best to abstain from all interference with the supply of food. It was no longer worth while to contend for a fixed duty. He called upon the country, therefore, to put an end to a system which had proved to be the blight of commerce, the bane of agriculture, the source of bitter divisions among classes, and the cause of bringing fever, mortality, and crime among the people. The Government, he said, appeared to be waiting for some excuse to give up the present corn laws. Let the people; by petition, by address, by remonstrance, afford them the excuse for which they sought. The issue, by the leader of the Opposition, of this manifesto, advocating a complete repeal of the duties on corn, was of the utmost importance in forcing the Government to a decision.

On the reassembling of the Cabinet, Peel laid before his colleagues a memorandum in which he stated fully his views as to the measures which should be taken to meet the immediate danger. The ports should be opened for a limited period for the import of corn free of duty ; and Parliament should be summoned at once for the purpose of considering the whole question of protection duties, with a view to their gradual reduction and ultimate extinction. The Duke of Wellington

supported him, not because he was persuaded that protection was not essential to the agriculture of the country, and especially to that of Ireland, but because a good government was more important than the corn laws, or than any other consideration, and as long as Sir Robert Peel possessed the confidence of the Queen and of the public, his administration ought to be supported.\* A majority of his Cabinet also now supported him, but Stanley and the Duke of Buccleuch declined to accede to his proposals; and feeling the impossibility of carrying on the government and proposing his measures in the face of the opposition which this defection promised, Peel resigned on December 5. In doing so, he left with the Queen a memorandum to the effect that he would be prepared to support his successor in measures of general conformity with those which he had advised as Minister, and to exercise any influence he might possess to promote their success; though he subsequently declined to pledge himself to the immediate and total repeal of the corn laws. Lord John Russell was invited by the Queen, at Peel's instance, to form a Government, but failed to do so, in consequence of the difficulty of composing the differences between two of the leading men of his party. Lord Grey† would not consent to join the new Ministry if Lord Palmerston was to be Foreign Minister, and the latter would take no other post.

On the failure of this combination, Peel again, on December 20, resumed office as Prime Minister, more free than before to carry out his own policy, and no longer trammelled in any way by past promises to his

\* Lord Beaconsfield, in his "Life of Lord G. Bentinck," p. 61, says that this action of the Duke was due to an intimation from Peel, that if they did not undertake the conduct of the Government, the Queen would be under the necessity of sending for Mr. Cobden and his friends.

† The present Earl Grey, who had recently succeeded his father, the ex-Premier. Looking at this statesman's independent career, it is difficult to understand that his co-operation in 1846 was considered essential to the formation of a Liberal Government,



party. Stanley persisted in his resignation, holding that protection ought not to be interfered with, and seeing no reason for its temporary suspension, on account of the Irish difficulty. The Duke of Buccleuch reconsidered his position, and consented to join in carrying out the new policy. Mr. Gladstone entered the Cabinet for the first time in place of Stanley, as Secretary of State for the Colonies, but failing to be re-elected for Newark on taking office, remained out of Parliament for some months.

This long delay, caused by the ministerial crisis, and by the failure of the Whigs to form a Government, was most unfortunate for Ireland. Nothing was done in the interval to meet the pressing emergency. The ports were not opened to imports of corn, as Peel had intended; and it must be presumed that when he returned to power, the interval before the meeting of Parliament was so short, as not to justify such an act without legislative sanction. As a result, no relief was given in this direction until months after, when the Corn Law Act passed through Parliament. The pressure on the people in every part of Ireland had already, before the meeting of Parliament, become most serious. As generally happens, want and disease brought in their train agrarian troubles. A minority of landlords on such occasions, either from ignorance of the condition of the people, or indifference, are found prepared to press for their rents, in spite of the impossibility of their being paid, or they are not unwilling to take the opportunity of clearing their properties of the smaller tenants, and hence resistance, leading to outrage and crime. In vain were memorials forwarded to the Government from the Corporation of Dublin and other public bodies in Ireland, praying for the calling together of Parliament, and for the appropriation of money by way of loan for public works, in order that the people might have the means to save them from starvation. At the Repeal Association, O'Connell and Smith O'Brien pointed the

moral of the delay and inactivity of the Government on the repeal question. "If we had a domestic Parliament," said the former on December 8, "would not the ports be thrown open? would not the abundant crops with which Heaven has blessed her be kept for the people of Ireland? and would not the Irish Parliament be more active even than the Belgian Parliament to provide food and employment for the people? . . . If we had a paternal Government, I should be the first to commend the appropriation of a portion of the revenues of Ireland to the wants of the people, and this, too, without very strictly considering whether the whole would be repaid or not. We have an abstract claim to such application of the Irish revenues; but were we to advocate such an arrangement now, we should be mocked and insulted." He advocated loans by the English Government for the purpose of draining estates as a means of giving employment; and for more permanent remedies he advocated tenant-right, under which the landlord should have a fair rent for his land, but the tenant should have compensation for every shilling he laid out on the land in permanent improvements.

Nothing, however, was done till Parliament met at the end of January, 1846, for a session memorable in the political and economic history of England. Foremost among the measures indicated, was a Coercion Bill for Ireland, to meet the serious increase of agrarian crime in some parts of that country. A measure was also proposed for the practical repeal of the corn laws, by the gradual lowering of the duties till 1849, when they were to cease. The first of these was relegated to the House of Lords; the latter was introduced in the Commons, where it led to protracted debates. It is to be observed that, although the measure was ostensibly brought forward on account of the potato famine in Ireland, there was comparatively little discussion on this subject. The issues mainly turned upon the benefit

to be expected by the industrial classes in England, or the losses which might be anticipated to the agricultural classes. The Protectionists, however, denied that any excuse could be found for the proposal in the condition of Ireland. The famine, they said, was a delusion and a baseless vision. O'Connell, Smith O'Brien, and the other Irish leaders, with the exception of Mr. Sharman Crawford, took no part in the debates. The resolutions in favour of the Government proposals were carried, after a debate of twelve nights, by a majority of 97,\* and the Bill founded on them, after being passed by the Commons, was carried in the Lords by a majority of 47.

The only speeches in this long discussion now worth attention are those of Sir Robert Peel, explaining and defending his proposal with that lucidity and power of argument for which he was unrivalled; the attacks on him by Mr. Disraeli; and the speech of Lord Stanley in the Lords, which alone stated the case in opposition to the proposals with ability and force. Stanley denied that the total repeal of the corn duties was to the advantage of Ireland. He contended that the emergency in that country might have been met by a suspension, rather than a total repeal, of these duties. This seems to have been the opinion of many Irishmen. Speaking at the Repeal Association, Smith O'Brien said, "With respect to the proposal of the Government, I have to remark that it professes to abrogate all protection. It is, in my opinion, a proposal manifestly framed with a view to English rather than Irish interests. About two-thirds of the population of England are dependent on manufactures and commerce, directly or indirectly; in this country about nine-tenths of the population are dependent on agriculture, directly or indirectly. It is clearly the object of the English Minister to obtain the agricultural produce which the people of this country send to England at the lowest possible price; that is

\* Division—For the resolution, 337; against, 240.

to say, to give as little as possible of English manufactures or of foreign commodities in return for the agricultural produce of Ireland." O'Connell, on the other hand, strongly supported the total repeal of the corn laws, as he had long advocated in the past.

It may be doubted whether in ordinary times, or except under the grave pressure of the famine, the Irish members would have supported a measure for the repeal of the protective duties. Ireland at that time grew a considerable amount of wheat and barley, and its other agricultural productions were also enhanced in price by protection. Free trade has greatly changed the conditions. Wheat and barley have almost ceased to be grown in Ireland. The tendency has been every year for more land to be laid down in grass. The movement has aided the amalgamation of farms. The policy of free trade, therefore, however beneficial to England, as a whole, has not been without some drawback in its effect on the agricultural tenants of Ireland. It has been shown that Peel appreciated the fact that Ireland might suffer from withdrawal of protection, and on this account he proposed to place upon imperial charge the whole cost of the Irish police, which had hitherto been borne in equal proportion by the State and the local rates. He justified this proposal by the benefit that would result from vesting the control of the police absolutely and solely in the executive government—another step in that centralizing tendency which has so conspicuously marked the system of government in Ireland. Far more important would it have been for that country if, at a time when such momentous changes were being made in the fiscal system, fraught with a revolution in Irish agriculture, some protection should have been given to the tenants, in accordance with the views of the Devon Commission. Peel, however, was either blind to the wants of the Irish tenants, and unable to see the effect on them of his measures, or he was prevented by political difficulties from coping with the question.

Meanwhile the Coercion Bill was introduced in the Lords, where it passed—as such measures have always passed—without difficulty; the Whig leaders, Lord Grey and Lord Lansdowne, gave to it their hearty approval and support. Lord Grey, in doing so, said that the Ministers were responsible for the state of things in Ireland; the issue of the Devon Commission had excited the hopes of its people, while the withdrawal of Stanley's Bill had filled them with despair. The measure was very similar to many previous Acts; it proposed to give power to the Government to proclaim parts of the country; where this was done the ordinary law was to be superseded, and arbitrary power was to be given to the magistrates to deal with cases without juries; compensation to the relatives of murdered persons was to be levied by way of distraint on the occupiers only, the landlords being specially exempted; and by the curfew clause, persons found out of their homes between sunset and sunrise might be sentenced to transportation for seven years, on the decision of a single magistrate. These last two provisions were too strong for some few of the Lords. Lord Grey protested against them. It was not just, he said, to exempt landlords from payment of compensation; though they were not the cause of outrages and evils, Ireland never would have got into its present state, the existing state of society there would never have been such as it was, if the landlords as a body had done their duty to the population under them; . . . the awful state of things in Ireland was a direct consequence of the dereliction of their duty by the upper classes of that country—an historical fact, known not only to England, but to all Europe." With respect to the curfew clause, he pointed out that, from four or five o'clock in the afternoon till past eight on the following morning, during the month of December, no inhabitant of a proclaimed district was to be allowed to set his foot outside the door of his cabin, without rendering himself liable to transportation. He might

not even venture from home during that time to visit a friend. Nay, he dared not even go to work in the morning or return from his work in the evening, so as to gain the advantage of the hours of daylight, without rendering himself liable to arrest, at the will of a police-constable, and to be kept in confinement, in default of proving, what no man could prove, that he was out with innocent intentions.\* In committee, he moved to reduce the punishment to one year's imprisonment, without hard labour, but his amendment was rejected by 38 votes to 7 only!

In the House of Commons, the Coercion Bill led to long debates, and to new political combinations which resulted in the fall of the Peel Ministry. Sir James Graham, in introducing it, stated that in thirty-two of the counties in Ireland life and property were as secure as in England, and in eighteen crime was diminishing rather than increasing; there were only five counties in which crime was rife, for which exceptional measures were necessary—those of Tipperary, Clare, Roscommon, Limerick, and Leitrim, with a population of 1,412,000, out of a total for Ireland of 8,171,000; but in these counties crime was very rife, and equalled in amount that in the whole of the rest of Ireland. Lord George Bentinck, who had already taken the lead of the disaffected Tory members, and who, a few weeks later, in combination with the Liberals, defeated the Government, at this early period of the controversy supported the proposal for coercion, and condemned the Government for its dilatory proceedings. "The Protectionist party," he said, "would give its hearty support to the Government, so long as it showed itself in earnest in putting down murder in Ireland. The blood of every man, who should be murdered hereafter in Ireland, would be on the head of the Minister retarding unnecessarily the progress of a measure like that before the House. The party which he had the honour to act with yielded

\* Hansard, 3rd series, vol. lxxxiv. pp. 695-97.

to none in love of liberty ; but it would not allow the name of liberty to be prostituted to the protection of broad-day murder and midnight assassination."

It was not till this measure came on for discussion that O'Connell, Smith O'Brien, and other Irish members, crossed the Channel to take part in opposing it. Differing on many points, and in the general tendency of their policy, as to the means of attaining their common object—repeal of the Union—they had come to an agreement that it was expedient to abstain from taking part in the proceedings of Parliament at Westminster, and to devote themselves to discussing Irish affairs at the meetings of the Repeal Association in Dublin. They made no secret of their policy. Their declarations on this subject, and their absence from Westminster during the debates on the corn laws, had caused grave displeasure to the House of Commons. A call of the House was made, but they disregarded it, and replied that they were attending more important business in Ireland. When, however, the Coercion Bill came on for discussion, they felt bound to attend and enter their protest. The House of Commons took the opportunity of their presence to call upon them to take their share in its business, and nominated them members of committees on railway bills. Smith O'Brien replied to the summons, that as long as he continued to believe that he could serve Ireland effectually in the House of Commons, he shrank from none of its labours ; but, as he held that none but the representatives of the Irish nation should legislate for Ireland, he had no wish to meddle with the affairs of England or Scotland, except in so far as they might be connected with the interests of Ireland, or with the general policy of the empire. He said that, in obedience to this principle, he had abstained from voting on English or Scotch questions, and the same motive now induced him to decline attendance on committees on any private bills, except those relating to Ireland. In another communication

to the authorities of the House, he said, "Experience and observation at length forced upon my mind the conviction that the British Parliament is incompetent—through want of knowledge, if not want of inclination—to legislate wisely for Ireland, and that any national interests can be protected and fostered only through the instrumentality of an Irish legislature." This protest against the authority of Parliament, and against the Act of Union, was held to justify punitive action against him on the part of the House. A resolution was passed to the effect that he had been guilty of contempt of the House, and he was committed to the custody of the sergeant-at-arms. He was imprisoned in a cellar of the House for about a month, when, in spite of his continued defiance and his refusal to submit to the orders of the House, he was released. O'Connell, on his part, obeyed the direction of the House and attended its committee. The occurrence is worthy of notice chiefly for the indication it afforded of a divergence in the policy of O'Connell and Smith O'Brien; the latter assuming a position far more hostile to the authority of Parliament on Irish affairs than the former. O'Connell has left on record his disapproval of the action of Mr. Fox in 1795, and Mr. Grattan in 1798, in withdrawing from Parliamentary life. Speaking in Ireland shortly before the time now referred to, he said, "I have not quitted the Imperial Parliament as a secessor, but merely because I preferred outdoor political labour. I have not said or done anything to bar my returning there at any time that such a step should appear to be the least useful." In fact, on his return to the House of Commons in 1846, he took a very active part in its business, in spite of his failing health.

On the first reading of the Coercion Bill O'Connell spoke against it. He would not deny the existence of disturbance and crime in certain parts of Ireland, neither would he palliate atrocious attacks against life; he disputed, however, the efficacy of the remedies



proposed. He called on the Government to look into the real condition of Ireland, and to pass the only Coercion Act that was required, an Act to coerce the landlords who would not do their duty, and to rescue the people from their present condition. He attributed the outrages which were taking place to the anomalous relations of landlord and tenant, and especially to the legislation passed since the Act of Union, by which many unjust advantages were conferred on landlords, and to the consequent helplessness of tenants. These proved the fertile source of murder, especially that which gave power to distrain for rent on growing crops. There was, he said, in Ireland what was called a starving season, namely, for about six weeks before the new harvest; and if the growing crops were distrained during this period, the labourers were deprived of their means of subsistence; they were prevented from digging; if their wives and children came out to take a few potatoes they were consigned to gaol. Crime, he added, was distinctly traceable to this legislation. He suggested, as remedies more potent than coercion, the adjustment of the tenure of land and the securing fair compensation for improvements; the modification of the law of ejectment, so as to check the cases of wholesale clearance of tenants; the extension of the Ulster tenant-right custom to the rest of Ireland; a change in the grand jury laws; the extension of municipal institutions; a better distribution of the temporalities of the Church; and, lastly, a more adequate representation of Ireland in Parliament in proportion to its population.\* Lord John Russell, departing from the course adopted by the Whig leaders in the Lords, began to show opposition to the

\* Lord Beaconsfield says that this was O'Connell's last speech in the House of Commons; that he appeared as a feeble old man, muttering before a table; that he was in such a state of debility that his voice could not be heard; and that his speech was written out and sent to the reporters. He has, evidently, transferred to this occasion a speech delivered by O'Connell in the following year, and which was really his last. "Life of Lord George Bentinck," p. 159.

Bill, though he was not as yet prepared to vote against it. He thought that a milder measure would have sufficed. He complained that no remedial measures had been promised by the Government.

Sir Robert Peel, in reply, said that it was not pretended that the measure was a panacea for the grievances of Ireland, and he refused to discuss measures for the permanent relief of that country. The first reading was carried, after many adjournments, by a majority of 274 to 125. The further proceedings on it were postponed till after the passing of the free trade measure. It became clear in the interval that a large majority of the Tory party, under the leadership of Lord George Bentinck and Mr. Disraeli, were determined to take the earliest opportunity of defeating and overthrowing the Government, in revenge for the betrayal of the cause of protection. Mr. Disraeli, in his "*Life of Bentinck*," has described how the discussions on the Coercion Bill were prolonged day by day and week by week, pending the discussions of the Corn Law Bill by the Lords. The opportunity was at hand for a formidable combination; the Protectionists, eager to destroy the Government, which had betrayed them; the Whigs, eager for office and forgetting that, with the responsibility of office, they might find it necessary to propose a similar measure; the Irish members, inflamed against the Bill and its authors—the combination was irresistible; and perhaps there was some justification for it, because Peel had by his action lost the confidence of the great majority of his party, and could not long subsist on the forbearance of the Whigs. It was, however, a sorry performance; it showed party government in its worst aspects. That a Minister, who had carried a measure fraught with inestimable benefits to the country, should be condemned immediately after carrying it, and be driven from office, on a measure which a few weeks before the great bulk of those who now voted against it would have welcomed as necessary and expedient,

was, to say the least, a discredit to Parliamentary institutions.

Lord George Bentinck, who, on the introduction of the Bill, had denounced in such strong terms those who should delay the passage of a measure so indispensable to the government of Ireland, now found it consistent with his honour and patriotism to oppose it on the second reading. He did not, indeed, find it necessary to state any arguments against the Bill; he treated the question as one of confidence only in the Government. He refused to entrust any unconstitutional powers to the present Government, whose ignorance or double dealing had forfeited the confidence of their friends. He would have preferred a direct vote of want of confidence, but he was glad to have the opportunity of avenging the treachery of Peel and the forty placemen by whom he was supported. Mr. Disraeli expressed himself as loth at any time to pass a Coercion Bill for Ireland, but now more than ever. There was nothing to justify the Government in pressing a measure, which had been introduced so long ago as the previous January. He complained of the organized duplicity of Peel; and he made no secret that he was determined to avail himself of any coalition or combination to destroy the Government.

The night came at last when the message reached the Commons that the Lords had passed the third reading of the great measure for freeing the food of the people from duty. The same day there had come tidings from America, that the dispute between England and the United States, with respect to the Oregon boundary, had been brought to an end by a settlement, which will ever redound to the credit of Peel's Government. There was no longer any reason for delaying the vote which was to result in the defeat and downfall of the Ministry. The combined forces of Protectionists, Whigs, and Irish met together in the lobby and rejected the Irish Coercion Bill by 292 to 219—a majority of 73. Of the majority, 80 consisted of Tory members, hereto-

fore staunch supporters of the Government, but now led by Bentinck and Disraeli to the overthrow of Peel. The defeat was a crushing one. The division was avowedly on a vote of confidence, and without regard to the merits of the measure itself.

Peel had no option but to resign, and on the following day he announced his determination, in terms of great dignity and eloquence, and without the slightest touch of acrimony against those who had deserted him and caused his defeat. He stated that he had not proposed the measures connected with the commercial policy of the country, without foreseeing the probability that, whether they were made law or not, they would cause the dissolution of the Government. If his Ministry had failed to carry in all their integrity the measures of commercial policy, which they had recommended, he should have advised the dissolution of Parliament by the Crown. The measures, however, had now become law; and therefore he could not consent to advise, for the mere existence of the Government, the exercise of that royal prerogative. He thought he ought not to recommend a dissolution, unless he could reckon upon having in the next Parliament the support of a powerful party, united to him by a general concurrence of views on all great questions; and in view of the present division of parties, he did not imagine that he could obtain such a result. Adverting then to the Irish measure which was the immediate cause of his defeat, he said that he had brought it forward, not under the idea that it was a measure calculated to improve the permanent condition of Ireland, but because he thought that the vigorous repression of crime was necessary to give effect to the useful legislation of the House on other subjects connected with that country. It would be unjust to infer from that Bill that his policy with regard to Ireland had undergone any change. He still contended that there ought to be established a complete equality of civil municipal and political rights between Great Britain and Ireland; so that no one, on comparing

Ireland and its franchises with Great Britain, should be at liberty to say that a different rule was established in the two countries. With respect to the executive administration in Ireland, he thought that the favour of the Crown should be bestowed without reference to religious distinctions ; and he assured those who were about to succeed him that if they acted on that principle, they should have no complaints from him. Then, with respect to the spirit in which legislation should be conducted, he was prepared, retaining all the opinions which he had expressed on Irish policy, to co-operate with those who felt that the tenure of land, and the relation of landlord and tenant in Ireland, required immediate consideration. After adverting with satisfaction to the conclusion of an arrangement with the United States Government as to the Oregon boundary, by which, in the spirit of mutual moderation and conciliation, a war had been averted which was in danger of breaking out between them, in spite of their common blood and common language, he concluded by attributing the success of the great commercial measure to Richard Cobden, and closed with these words : "I shall leave a name execrated, I know, by every monopolist who, professing honourable opinions, would maintain protection for his own individual opinion. But it may be that I shall be sometimes remembered with expressions of goodwill in those places, which are the abodes of men, whose lot it is to labour and earn their daily bread by the sweat of their brow ; in such places my name may be remembered with expressions of goodwill, when they who inhabit them recruit their exhausted strength with abundant and untaxed food, the sweeter because no longer leavened with a sense of injustice."

No Minister ever gave up office amid such universal feelings of regret and such unbounded gratitude for having carried a great measure. It is impossible to read his speeches without feeling that Peel was thoroughly convinced of the justice, expediency, and

high policy of the change which he had made, and that he had arrived at this conclusion after long thought, slowly ripening into conviction, confirmed by the experience of previous measures in the same direction. It appears from his own statement that even during the discussions on the Bill his opinions had made advance. "I will not deny," he said, "that even during these debates my opinions on the corn laws have undergone a change; but it is this change—that restrictions which I first believed to be impolitic, I now believe to be unjust, and consequently a sense of this injustice precludes any compromise on my part." Lord George Bentinck, listening to this, whispered to Mr. Disraeli, "He has taken new ground; that which he believed to be impolitic he now believes to be unjust. Note that!"\* The advance was undoubtedly a great one. It was noted by the country, and was in accordance with its final verdict on protection.

The Corn Law Bill passed the House of Lords on June 25. The division on the Coercion Bill occurred on the same day, and on the following day Peel resigned. Up to this date, however, nothing had been done to facilitate the introduction of food into Ireland, beyond the purchase of maize already alluded to; the ports had not been thrown open; and even under the Corn Law Act a duty on wheat was still to be levied, varying from 4s. to 10s. per quarter, until the time, still distant so far as the Irish distress was concerned, for its complete abolition. Measures, however, were passed by Peel's Government for affording relief, by the employment of the people on public works. A grant was made of £50,000 for this purpose; a similar sum was voted for the erection of fishing harbours. Loans were made to landowners on easy terms for drainage works. The county authorities were authorized to undertake works for the employment of the people out of money lent by the State, one-half of which only was to be repaid.

\* "Life of Lord George Bentinck," p. 204.

But although these measures were taken, they were tardily put into action. O'Connell frequently called attention to the subject, and complained of the delay. He moved, on the 19th of February, for a committee of inquiry into the distress. He asserted that five millions of people were on the verge of starvation; that a calamity of the greatest magnitude was impending; that already fever, the certain attendant on famine, had broken out in the south of Ireland. Great evils, he said, required great remedies. The workhouses could not meet the case; they would make at best but hospitals for the sick. He called on the Government to borrow money on the rents of Irish landlords, and to put a tax of ten per cent. on resident landlords and twenty per cent. on absentees. Sir James Graham (the Home Secretary) could not say that O'Connell had exaggerated the evil; there would, he admitted, be four months of the year when four millions of people must be fed on other food than potatoes; a more alarming case, he said, had never been submitted to Parliament. He described the measures the Government were taking.

Later, in April, it became necessary to introduce a Bill to provide gratuitous medical relief in Ireland for those who were suffering from fever. It was stated that, of 2000 parishes, fever had already appeared in 1300; and fever betokened famine. O'Connell again complained of the inactivity of the Government. "They could not point to one single spot in which effectual relief had been administered. Let not a day or hour be lost. He still thought that outdoor relief was but another name for confiscation of property; but in the present state of Ireland he preferred confiscation to letting the people die of starvation. Make the experiment of outdoor relief for one year. Don't bring in a Coercion Bill against the poorer classes. Coerce the landlords. Compel them to prevent the people dying of hunger. Nothing could do good to Ireland but the total repeal of the corn laws. The existence

of the corn laws had done no good; they had been concurrent with increasing misery and destitution." The Government, however, would neither open the ports to food, free of duty, nor permit the experiment of outdoor relief. They had faith in the system of public works, and by the time they went out of office large numbers of people were employed on them; by August, 97,000 persons were at work, and altogether about £850,000 were expended, of which something less than half was a grant from the State, while £93,000 were raised by voluntary subscriptions.

Meanwhile, most serious dissensions had broken out in the Repeal Association. The action of O'Connell in consenting to serve on a committee of the House of Commons, in marked contrast to that of Smith O'Brien, who had submitted to imprisonment sooner than do so, had caused much difference of opinion. The younger and more advanced men of the party sided with O'Brien, and condemned the action of O'Connell. The differences became more acute when, on the formation of the new Whig administration, O'Connell intimated his intention of giving to it his full support, and of allowing the agitation for repeal to subside for the time. This led to a breach in the party. The *Nation* attacked O'Connell; and the latter replied by dissociating himself from the Young Ireland party, who, he said, were bent not on simple repeal, but on severing altogether the connection between the two countries. In a celebrated debate in the Association, Mr. John O'Connell, the son of the Liberator, denounced the *Nation*, which was vehemently defended by Mr. Mitchell and Mr. Meagher. An attempt was made to stifle the discussion. A rupture consequently took place, and the Young Ireland party, with Smith O'Brien at their head, left the meeting, and severed their connection with the Association. Thomas Davis, who had long served as the connecting link between the two sections of the party, had died in 1845. The division between these sections had since then continually



widened. The more advanced section, under Duffy, O'Brien, Meagher, and Mitchell, now formed a separate confederation of their own, in which various clubs of an extreme kind were represented, tending towards, if not openly advancing, a policy of physical resistance; while O'Connell, expressing openly his abhorrence of force and rebellion, continued to direct the old Association. Deprived, however, of the more active spirits, the Association speedily lost ground, and not long after the death of O'Connell, was finally broken up.

On the resignation of Sir Robert Peel, a Whig Government was formed by Lord John Russell, with Lord Palmerston as Foreign Secretary. The only member of the Cabinet who, in the most remote way, was connected with Ireland was Lord Clanricarde, who had so strongly opposed the very moderate Tenant-Right Bill of the previous Government. Mr. Sheil was relegated to the unpolitical post of Master of the Mint. The circumstances under which the Whigs came into power again were very different from those when Lord Melbourne formed his Government in 1835, and when Lord John Russell led the party in the House of Commons. Then they were dependent for their existence on the Irish vote; they had in face of them a powerful and united Tory party, ready to take advantage of their defeat. Now they were in a minority of the House of Commons; but the Tory party was split in twain, and the section under Sir Robert Peel might confidently be relied on to support the new Government in its general policy, so long as it did not exceed certain bounds, sooner than admit to power the main body of the Tories, the Protectionists, under Bentinck and Disraeli. The position of the Whigs, therefore, was a strong one, and they were not dependent on the Irish vote. They leaned on Peel for support rather than on O'Connell, and the difference was soon apparent in their policy to Ireland. They had not been many days in office before, unmindful of the rejection of the Irish Coercion Bill,

by which they had attained office, they proposed themselves a measure in this direction—a renewal of the Arms Act for a limited period, till the Government should be able to consider the whole subject. It gave rise, however, to much dissatisfaction; the new ministers were taunted for their inconsistency, and, finally, they were compelled to abandon the Bill.

The more serious question remained, how to deal with the great and growing distress in Ireland. By the end of July it was clear that disease had again suddenly attacked the potato crop, and was more widely spread even than the previous year. Father Mathew, writing early in August, in a letter often quoted, and printed in the Parliamentary papers, said, “On the 27th of last month (July), I passed from Cork to Dublin, and this doomed plant bloomed in all the experience of an abundant harvest. Returning on the 3rd inst. (August), I beheld with sorrow one wide waste of putrefying vegetation. In many places the wretched people were seated on the fences of their decaying gardens, wringing their hands, and wailing bitterly the destruction that left them foodless.”\*

Almost immediately on meeting Parliament, the new Government was called upon to make further provision for the coming winter on a larger scale even than the previous year. It had to come to a decision of a momentous character. It adhered to the principle of public works; but, in order to check the abuses, which had arisen under the system already tried, it determined to put the works practically under the control of the Board of Works of Ireland, while it threw the whole charge for them upon the local ratepayers. The Lord Lieutenant was empowered to summon baronial sessions, and to require them to order such public works as might be necessary for the employment of the people and for their relief. The choice of the works was, to a limited extent, to be left to the sessions. They might point out works which they considered

\* Quoted in Walpole's “History of England,” vol. iv. p. 298.

necessary, but the approbation of the Board of Works was required before the works were undertaken. Practically, therefore, the plan involved the undertaking of public works all over Ireland by the Board of Works of Ireland, and at the cost of local rate-payers; one of the most extraordinary schemes ever devised by a Government, and one which was certain to result in ruinous waste and other evils. It was determined to give up the plan of purchasing maize on the part of the Government, and to trust to private traders to supply the needs of the people, who by the system of public works would be provided with money. This part of the policy, though severely criticised at first, was eventually most successful, and a vast quantity of maize was, after a short time, imported by merchants, and was sold at a moderate price. The difficulty was that so many of the people had no money with which to buy it. After the adoption of these measures, Parliament was dissolved, and the ministers prepared to meet the coming calamity.

The winter of 1846-47 was the very worst period of the Irish famine, far exceeding in distress that of the previous year. The potato crop proved to be almost a total failure; the oat crop also was seriously deficient; and the loss on these two crops alone was estimated in money at £16,000,000. It was necessary early in the autumn to set on foot public works on a great scale, under the Act of the previous session. As might perhaps have been expected from the tenor of that measure, the whole duty of carrying it into effect fell upon the Board of Works of Ireland. The grand jurors who were called together to advise as to the works, and who were not in any sense representatives of the ratepayers, but were the nominees of the lords-lieutenant of the counties, resented the slight put upon them by the Act, and the interference of the Board of Works. They lent no assistance to the great work which had to be undertaken. It was expected and intended that they would ascertain the amount of

the destitution in their neighbourhoods, and the cost of relieving it, and would recommend the public works to be undertaken. They neglected these duties; they contented themselves with presenting indefinitely, and threw upon the Board of Works the sole responsibility of determining what works should be undertaken, what labourers should be employed upon them, what wages should be paid, and every other matter connected with the relief of a whole population. A colossal work, therefore, fell at once upon the Board of Works. Five thousand separate works had to be undertaken at the shortest notice, and the Board had to face the difficult questions, which at once arose upon the delicate points of wages and food, whether task-work should be insisted upon, and what test should be required before employment was given. The number of persons employed rapidly increased; by November in 1846 upwards of 280,000 persons were employed, in December 490,000, and by the spring of 1847 the gigantic number of 730,000 were receiving wages for labour on these works, representing, with their families, a population of 3,500,000, or nearly half of the people of Ireland. The attraction of public pay on works, where there was no practical supervision, and where, in the language of Russell, an "unfair day's wages was given for an unfair day's work,"\* proved to be very great. People abandoned other work in order to draw upon the public purse; landlords and farmers not only exercised no control over their men, but often urged them to seek employment on the public works; other farm work was neglected; the land was not properly cultivated for the next year's crop.

To a large extent the works undertaken by agents of the Board, without local knowledge, and without the assistance of the resident gentry, were useless or unnecessary. They consisted chiefly of road-making; but many of the roads were ill laid out, and often led nowhere. In spite of the number of works

\* Walpole's "History of England," vol. iv., p. 296.

in hand, they were often necessarily at a distance from the homes of the people most in need of relief. They failed, therefore, to provide for large numbers of the poorest and weakest of the community. The wages paid, though higher than the average rate, were insufficient to provide for a family at the then price of food. The physical condition of the people, employed on the works, became lamentably low, though but little work was insisted upon. Exposure to the weather and insufficient food contributed to the spread of sickness. A more lamentable break-down of administration, due to excessive centralization, never was exhibited.

The expenditure on the part of the Board of Works ultimately reached a total of about £11,000,000, while the works undertaken proved, with few exceptions, to be useless and without value. The Government assistance was largely aided by private subscription. The merchants of London, and the people of England of all classes, freely opened their purses, and much was done in this direction to mitigate the sufferings of the Irish people. The cold of the winter of 1846-47 was unusually great. The deaths from various causes, directly or indirectly connected with the famine, were so numerous that the providing of coffins became a most serious difficulty. By March, 1847, it is said that 247,000 persons had already died. The workhouses and hospitals were full to overcrowding with fever patients. The cases of death from starvation were very numerous, and the bad diet and insufficiency of food lowered the vital powers of other large numbers of people, and developed a malignant form of typhoid fever. A tide of emigration set in, and vast numbers of people were landed upon the American continent without any proper provision for their reception, and met with the greatest hardships, while the emigrant ships, then without Government inspection, were overcrowded, and were the cause of numbers dying *en route*.

Many of the resident landlords, and some of the wealthier absentee owners of land, nobly performed their duties in this terrible crisis, and burdened their properties in the endeavour to aid their tenants and dependents; but unfortunately there is the highest authority for saying that too often the contrary was the case. Lord John Russell, in introducing his measure for amending the poor law, in 1847, said that, "speaking of the owners of land in Ireland as a body, their exertions to meet the crisis had not been so great as they ought to have been. He thought that among the resident landlords there were many who ought to go further than they had yet done in contributions for distress;" and he gave this as a reason for imposing upon them additional liabilities under the poor law. There is also distinct evidence that some landlords took the opportunity of the distress, and the consequent total inability of their tenants to pay rent, to clear their estates and to get rid of small holdings. This process of clearing properties of the smaller tenants had long been in practice by certain of the Irish landlords, and had been the fruitful and certain cause of agrarian reprisal and outrage.

Lord Palmerston, an Irish landlord, with little sympathy for the claims of the Irish tenants, had described this in forcible language in a speech delivered in 1843. "It is vain," he said, "to deny that in the last twenty years the tenants of Ireland have had much to complain of. It is well known that in former times large farms—great tracts of land—were let on leases of sixty-one years, or of three lives, to one individual, who in turn re-let the same land in smaller portions to others, who in turn re-let to a third set, who again re-let to a fourth, and so on; and thus, in the course of years, the land became covered by multitudes of occupants, greater than was essential to the good cultivation of the soil. This was a class which was greatly increased when the forty-shilling freeholders were in existence;

but at last the landlords, feeling the inconvenience of the system, and not sufficiently reflecting on the injustice which they were inflicting on others—and, as I maintain, on themselves—when they found the leases of this sort expire, and found on their land great numbers of persons, born and bred there, who were exercising their industry in the narrow limits of some two or three acres of land, turned out wholesale hundreds of families, retaining only that number which, in their theoretical and abstract imaginations, might be sufficient for the advantageous cultivation of the soil. This might be done in England without causing the same degree of suffering and misery. If they removed any portion of the population of England, they would go to Manchester or Birmingham, or some of the great manufacturing districts of the kingdom, and they might at once find profitable occupations. In Ireland there were no manufacturing towns. The people were turned out of their houses, without the chance of obtaining a home; were driven to perish on the roadside, or to eke out a hungry existence as squatters on the fringe of a bog, or on the outskirts of some neighbouring town. This is a great grievance. Cases have occurred where landlords have done this to a great extent;” and he added, “I hope that the landlords will abstain from exercising that power which the law gives them, and that, by showing a little more consideration to the peasantry whom they find on their estates, they will seek to do away with that grievance, which is expressed in the somewhat absurd term of ‘fixity of tenure.’” \*

The famine and the consequent inability of tenants to pay rent afforded another opportunity and excuse to landlords who desired to clear their properties. In a speech delivered in 1846 by Mr. Poulett Scrope, an English member of large property, who had connection with Ulster, and who for many successive years advocated the recognition of tenant-right for

\* Hansard, 3rd series, vol. lxx. pp. 281–283.

Ireland, there is the following description of what was taking place in that country in the midst of famine: "Remember, life is destroyed in Ireland in other ways than by the bullet of the assassin. Life is taken in Ireland by the slow agonies of want, and disease engendered by want, where human beings are deprived (however legally) of the only means of living, and no resource afforded them in its place. When a landlord clears his estate by driving from their homes hundreds of poor tenants, who have no other possible source of refuge, does he not as effectually destroy their lives (at least, many of them) as if he shot them at once? It would be a mercy to do so in comparison. Do you deny that the lives of the peasantry are unprotected by law—that they are obliged to protect themselves by these criminal outrages? I ask you if, since these very discussions began, we have not had proofs—multiplied proofs—of the mode in which the landlords of Ireland are decimating the people of Ireland? Ay, in the midst of fever and famine, was not a whole village razed by Mr. Gerrard—400 souls turned out upon the highway—not allowed even to rest in the roadside ditches? Was not another village razed by the Marquis of Waterford? Another, I believe, by Mr. Clark, of Nenagh, who was murdered; another by Mr. Pierce Carrick, who was murdered for the same intention. All these, and numerous other facts of the same kind, are going on at this moment. Even in this morning's papers I see a fresh announcement of a clearance of 180 individuals. As leases drop in, landlords consider themselves justified in consolidating their estates, and ejecting the numerous families of tenantry who have occupied under the old leases. Now, I ask, what becomes of these ejected wretches, whose houses are pulled down, who are driven forth from the land where they were born and bred, hunted even out of the roadside ditches, when they take shelter there, as was literally the case in the Gerrard clearances? Where are they to go? How



are they to live? . . . If they squat on another landlord's estate they are driven off again as nuisances, pests—as people, in one word, who have no right to exist. . . . I ask, what becomes of them? Why, we know on the best authority they wander to the big towns and try to live by beggary. . . . Is not an ejectment of this kind tantamount to a sentence of death on a small farmer or cottier, whose only chance of living and maintaining his family is the occupation of a bit of land? Can you wonder at his retaliating on him whom he feels to be his oppressor? Or can you wonder that thousands, who know themselves to be exposed to this fate, every day contrive to save themselves from it by a system of outrage and intimidation?”\*

A specific case of this kind, where the people of a whole village were ejected, was brought before the House of Commons by Sir Robert Peel, on the official report of a Major M'Kee to the Poor Law Board. “It would appear,” he said, “from the evidence recorded that the forcible ejectments were illegal, that previous notice had not been served, and that the ejectments were perpetrated under circumstances of great cruelty. The time chosen was, for the greater part, nightfall on the eve of the new year. The occupiers were forced out of their houses with their helpless children, and left exposed to the cold on a bleak western shore on a stormy winter's night; some of the children were sick; the parents implored that they might not be exposed, and that their houses might be left till the morning; these prayers for mercy were in vain, and many of them have since died.” Peel, in commenting on this, said, “I know that the law is powerless in procuring redress in such cases, but I know also that the mere statement

\* Hansard, 3rd series, vol. lxxxvi., pp. 387–394. The previous passages from Lord Palmerston's speech are quoted by Mr. R. Barry O'Brien, in his “Fifty Years of Concession to Ireland,” vol. ii. pp. 136–139.

of the facts in the House of Commons, accompanied with the expression of such feelings as can alone be excited where such facts are narrated to us, will not be without their influence."\* But why was the law powerless? or why should no remedy have been attempted? and why had the report of the Devon Commission produced no result?

To what extent this process of clearing estates was adopted during the famine years there are no means of ascertaining. What is beyond doubt is that between 1845 and 1851 a vast reduction of the population of Ireland took place, in great part by emigration, whether voluntary or involuntary, and in part also by famine and disease, or by the increased mortality due to the effects of the famine. The population of Ireland in 1841 was 8,175,000; by 1845 it must by the normal increase have reached a total of 8,600,000. In 1851 it had dropped to 6,575,000—a difference of more than 2,000,000, of whom 1,436,000 only are to be accounted for by emigration.

The evils connected with the gigantic system of public works, their failure to meet the worst cases of distress, and their interference with the ordinary work of cultivation of the soil, became so manifest and so alarming that it was before long absolutely necessary to change the policy. The Government most wisely and most boldly determined to put an end to the whole of the works, and completely to change their scheme of relief. It was proposed to fall back upon the principle of simple outdoor relief, and to throw the cost and responsibility for it on the local ratepayers. In other words, the very plan which O'Connell had recommended in the first instance was now tardily adopted, after the gigantic failure of the public works.

On the meeting of Parliament in 1847, Lord John Russell was compelled to admit the failure of his remedies of the previous year, and to propose a series of

\* June 8, 1849, quoted by T. P. O'Connor, "Parnell Movement," p. 95.

measures for effecting this complete change of policy. The chief of these was the extension of the poor law. Hitherto there was no statutory obligation in Ireland on the poor law authorities to provide relief. Such relief as was given, was confined to the sick and aged in the workhouses. No assistance could legally be given out of the rates to the able-bodied, even in the time of famine. The Boards of Guardians were now placed under an obligation to give relief, either in or out of the workhouse, to the aged and infirm, and to all persons disabled from work. When the workhouses were full, outdoor relief was to be given even to the able-bodied, not in money, but in food. The Government also announced their intention to produce measures for facilitating the sale of encumbered estates, and for the conversion of leasehold tenements into freeholds; but these did not see the light. In accordance with the main provision and the new policy of the Government, orders were given to discontinue the relief works, by successive reductions of the persons employed on them, spread over a few weeks. This great change was effected without difficulty, and by the end of June the number of persons employed on the works was reduced from over 700,000 to 28,000, and the expenditure from a monthly average of over £1,000,000 to an average of £100,000, till the end of August, when the works were wholly stopped.

The new principle substituted was that of relief in the shape of food for the really destitute, at the cost of the neighbourhood, and controlled by the local authorities. Relief committees were formed in every divisional district, composed of the magistrates, clergymen of each persuasion, the poor law guardians, and the three largest ratepayers. These committees were empowered to raise money from the rates. They supplied food gratuitously to those applying for it, subject to two conditions—that the application for it should be personal, save in the case of the sick and impotent, and that the relief should be in the shape of cooked

food, to prevent abuse on the part of those who might convert the food supplied to them into money. By July, this system was completely substituted for that of public works, and upwards of three millions of people were receiving daily rations; but as the harvest progressed, this number was gradually reduced, and by the end of October it had almost ceased. The harvest of 1847 proved to be a good one; the potatoes, by a rapid and vigorous growth, generally escaped the disease. The famine was stayed through the greater part of Ireland; the people, no longer attracted by the money payment of wages for little work on useless roads, gradually returned to their ordinary avocations; the new system worked well; and at a comparatively small cost vast multitudes were helped over the period of danger, and were better fed and supported than they had been under the previous system. The total cost of the relief thus afforded during the few months it was in operation was no more than £1,550,000.\*

A great deal of discussion in the Session of 1847 turned on the proposals of the Government, and on the policy it had adopted of not interfering with the course of trade by importing food and distributing it themselves among the people. A proposal was also made by Lord George Bentinck for advancing £16,000,000 for the construction of Irish railways. Peel supported the Government in rejecting this, and generally approved its policy. He urged it, however, to proceed with its proposal for the sale of encumbered estates, which he described as ten times more important than any other measure. The measure for extending the poor laws also met with much discussion, but ultimately passed, with the addition of a very important clause, which has had most serious effect in Ireland, whenever years of scarcity and want have occurred—one, namely, forbidding the guardians to give relief to any one who occupied more than

\* "The Irish Crisis," by Sir Charles Trevelyan, K.C.B. Macmillan and Co., 1880.

a quarter of an acre of land, until he should give up his holding—a clause which operated in times of distress as an engine for ejectment, without legal process on the part of the landlords; a clause, which it was found necessary to suspend in future years, whenever there was any general failure of crops. No proposal was made by the Government to meet the very grave cases of general clearances of tenants by their landlords, which were undoubtedly occurring, or for amendment of the severe ejectment laws passed since the Act of Union, as so frequently recommended by O'Connell, or for securing to tenants the value of their improvements.

O'Connell had come over from Ireland for the purpose of taking part in these discussions. For some time previously, however, it was obvious that his strength was failing. The internal disease, from which he was already suffering, on coming out of prison, was rapidly growing on him. His anxieties, resulting from his relations to the Young Ireland party, were very great. He felt most deeply the distress of Ireland. In his last speech at the Repeal Association, before crossing the Channel, he showed something of his old fire. A royal duke had recently been speaking on the subject of the Irish famine. "Ireland," said this royal personage, "is not in so bad a state as has been represented. . . . I understand that rotten potatoes and seaweed, and even grass, properly mixed, afford a very wholesome food. We all know that Irishmen can live upon anything, and there is plenty of grass in the fields, even if the potato crop should fail." "There," said O'Connell, referring to this speech, "is the son of a king, the brother of a king, the uncle of a monarch! There is his description of Ireland for you! Oh, why does he think thus of the Irish people? Perhaps he has been reading Spenser, who wrote at a time when Ireland was not put down by the strong arm of force or defeated in battle—because she never was defeated—but when the plan was laid down to

starve the Irish nation. For three years, every portion of the crops was trampled down by the hoofs of the horses of mounted soldiery ; for three years, the crops were destroyed, the human creatures were found lying behind ditches with their mouths green by eating sorrel and the grass of the field. The duke, I suppose, wishes that we should have such scenes again enacted in this country. And is it possible that, in the presence of some of the most illustrious nobility of England, a royal personage should be found to utter horrors of this description ? I will go over to England to see what they intend to do for the Irish ; whether they are of opinion that the Irish are to feed on grass, or eat mangel-wurzel. If that should be adopted—and may God avert the possibility of an occurrence !—I do not hesitate to say it will be the duty of every man to die with arms in his hands.” As one man, the vast assembly rose and cheered the suggestion to the echo.\*

On O'Connell's arrival in England, it was seen at once that his end was not far distant. His face had for some time past acquired an anxious look, very different from its joyous and confident expression of former days. His robust figure had shrunk, and his magnificent voice, which had been of unparalleled range and power, was now so weak that he was scarcely audible. He spoke early in the session on the Irish measures of the Government, but a great part of what he said was inaudible. The House of Commons, however, felt instinctively that it was his last effort ; they listened with awe and respect, while in solemn terms he warned the Government of the very serious nature of the calamity which had befallen his country. “ I do not think,” he said, “ that honourable members are sufficiently impressed with the horrors of the situation of Ireland. I do not think they understand the miseries—the accumulation of miseries—under which the people are labouring. Twenty-five per cent. of the whole population will perish unless the

\* Cusack's “ *Life of the Liberator*,” p. 750.

House affords effective relief. They will perish of famine and disease unless the House does something speedily and efficacious, not doled out in small sums, not in private and individual subscriptions, but by some great act of national generosity, calculated on a broad and liberal scale. . . . It is asserted that the Irish landlords do not do their duty. Several of them have done their duty, others have not ; but recollect how encumbered is the property of Ireland, how many of her estates are in Chancery, how many are in the hands of trustees. She is in your hands, in your power ! If you do not save her she cannot save herself. I solemnly call upon you to recollect that I predict with the sincerest conviction that one-fourth of her people will perish unless Parliament comes to their assistance." This speech, delivered on the 8th of February, was his last in the House of Commons. A few days previously, he had written his last letter to the Repeal Association, in which he pointed the moral to be drawn from the neglect of the Government : "It will not be until the death of hundreds of thousands that the regret will arise that more was not done to save a sinking nation. How different would the scene be if we had our own Parliament, taking care of our own people, of our own resources ! But alas ! alas ! it is scarcely permitted to think of these, the only sure preventatives of misery, and the only sure instruments of Irish prosperity."

O'Connell left England shortly after his speech in the House of Commons, hoping to reach Rome and to receive the benediction of the Pope before his death. He died, however, on the way, at Genoa, on May 15, 1847. Born in Kerry in 1775, of a Catholic family of good position, which had supplied many distinguished members to the profession of arms on the Continent, O'Connell had studied for two years in France, at the Catholic colleges of St. Omer and Douay, during the height of the French Revolution. He left France, on the day of the execution of Louis XVI. The revolu-

tionary excesses, of which he had been a witness, appear to have made a profound impression on him, and influenced his views and actions throughout his career. On returning to Ireland he adopted the legal profession, which only a few years before, in 1793, had been thrown open to Catholics by the Irish Parliament; and after studying law in London for two years, and having been called to the Bar at the Inner Temple, he commenced practice in Dublin, and joined the Munster circuit in 1798. In the same year he was enrolled in the corps of yeomanry raised among the Dublin lawyers, and employed in defence of the Government in the rebellion of that year, though he appears to have had some sympathy with the political views of the "United Irishmen," so far as they were constitutional. He had for a short time been a member of this Association. He was nearly getting into trouble with his commanding officer, by positively refusing to obey orders to fire on a number of unarmed persons, who were in the streets after the hour prescribed by martial law.\* He acted again in a military capacity in the short outbreak headed by Emmet in 1803. On June 13, 1800, O'Connell attended the great meeting held at Dublin to protest against the Union, and made his first speech, already referred to. From this time, his advance as a lawyer was rapid, and his success was soon assured. For some years he was conspicuous chiefly for an unrivalled power in cross-examining witnesses, due to his great tact and readiness, and to his intimate knowledge of Irish character. The Government still persistently refused to Catholics the rank of King's Counsel, conferring precedence at the Bar; his rise, therefore, was retarded by the fact that he could not be employed as a leader in important cases. Later, however, his reputation became so great, that clients were compelled to employ him to lead their cases, in spite of his being inferior in rank to the official leaders of the Bar. His industry in his profession was indefatigable; he devoted

\* Cusack's "Life of the Liberator," p. 241.



no small part of his time to giving legal advice and assistance, without reward, to members of his faith unable to pay for it. He was familiarly known to the country people, far and wide, as "The Counsellor." He was equally powerful in addressing a jury, in arguing a difficult legal part before the judges, or in cross-examining witnesses. His speeches were full of pathos and humour, and he kept the Court and the jury alternately in tears and in roars of laughter. His commanding presence and splendid physique, his joyous expression, and his powerful and well-modulated voice contributed not a little to his success. He was soon employed in all the great cases in the Irish Courts, especially those of a political character, where he was always against the Crown.

Some of O'Connell's speeches in these trials, which have been preserved, are masterpieces of forensic eloquence. His defence of Magee, the editor of the *Dublin Post*, who was prosecuted for a political libel against the Government, is second only in power and argument to, if it does not equal, the celebrated libel speech of Erskine. There was this difference, that Erskine's speech was addressed to the jury with the object of obtaining a favourable verdict. In Magee's case, O'Connell knew that the jury was packed, and that an acquittal was hopeless; his speech, therefore, was addressed to the public, and was a vehement and bitter arraignment of the whole policy of the Government.\* The Attorney-General, Saurin, who prosecuted, had been a member of the Irish Parliament, and had strongly opposed the Union. O'Connell, in support of his client, quoted at length from Saurin's speeches on that occasion. Magee published O'Connell's speech in his defence, and on being called up for judgment, an affidavit was filed by the Attorney-General, alleging this publication as an aggravation of the original offence, and claiming from the Court a severer sentence. He took this opportunity of answering O'Con-

\* Fagan's "Life of O'Connell," vol. i. p. 95.

nell's speech. O'Connell's impromptu reply to this is perhaps the finest specimen of scathing sarcasm, contemptuous retort, and powerful declamation, which has ever been made at the Bar, and is an excellent sample of the advocate at his best. The speech may have added to his reputation, but was scarcely in the interest of his client. The servile judges acted on the suggestion of the Attorney-General, and increased the sentence, in spite of O'Connell's junior counsel having, at the instance of Magee, repudiated his leader's speech.

Many excellent stories are told of O'Connell's ready repartees to the judges. His position was not an easy one. The Irish judges at that time belonged exclusively to one political party, that of the Protestant Ascendancy, to whom the success of a Catholic barrister was most distasteful, and who were, therefore, disposed to treat him with the utmost hostility and even rancour. O'Connell would not be defeated by them. He met them with a pride and obstinacy equal to their own, and by sheer force of legal and intellectual power, supported by language often bitter and contemptuous in the highest degree, he compelled them to listen and often to give way to him.\* Some of his attacks on the Bench appeared to be needlessly rough. He justified their tone, and said that he had adopted it by deliberate calculation and policy; it was only in this way that he could hope to enable members of the Bar, of his faith, to hold their own against the powerful clique opposed to them, and that it was necessary to show to other Catholics, who had been accustomed to adopt a subservient demeanour to their Protestant fellow-countrymen, that the old order was changed,

\* Mr. Curran said of one of the Irish judges, Mr. Justice Day, that his efforts to understand a point of law reminded him of nothing so much as the attempt to open an oyster with a rolling-pin. This judge once said to O'Connell, "I must not allow you to make a speech; the fact is, that I am always of opinion with the last speaker, and therefore I will not let you say one word." "My lord," replied O'Connell, "that is precisely why I'll let nobody have the last word but myself."—Luby's "Life of O'Connell," p. 243.

and that they could meet their opponents on at least equal terms.

O'Connell's political career may be divided into four distinct periods—his agitation for Catholic Emancipation, from 1807 to 1829; his action in Parliament during the first Whig administration, from 1830 to 1834, when he was in perpetual conflict with Mr. Stanley, the Irish Secretary; his support of Lord Melbourne's Government from 1835 to 1841; and his agitation for Repeal, from 1841 till his death in 1847—a total period of forty years. It was during the first of these periods that he gained his unique and pre-eminent leadership of the Irish people, a position which he retained till his death. In the whole history of constitutional agitations there cannot be found any other leader to compare with him in energy and power. O'Connell placed the whole of his great resources, his legal knowledge, his eloquence, his untiring powers of work, entirely at the service of the cause of the Catholics. No one can gainsay his success. He defeated the Government over and over again on points of constitutional law. It was necessary that he should act and speak with the greatest care; the Government was certain to take advantage of any slip; it had always the power of packing a jury; it would have sent him to trial and to prison without any compunction. While he had to conduct his agitation with this constant care, he had also to carry the people with him—to speak to them with a freedom and boldness that would convince them of his honesty and earnestness. His special function during the whole of this period, and, indeed, throughout his life, was to lift the Catholics upwards in the social and political scale, to raise their self-esteem, to give them confidence, to show them that they might stand on an equality with their former oppressors, and might speak boldly in the face of their enemies. This he accomplished almost alone.

O'Connell determined very early in his career that he

would conduct a political agitation only ; that he would not countenance or abet any measures which might lead to violence, force, or rebellion. He held firmly by the connection of Ireland with the crown of England. He had no sympathy whatever with the separatists of 1798, and looked upon most of those engaged in that rebellion as madmen. He regarded Emmet as little better than a lunatic, "who endeavoured to make war on England with £1200 and seventy-four men." "I always," he said, "saw that, divided as Ireland is and has been, physical force would never be made an available weapon to regenerate her. I saw that the best and only effective combination must be that of moral force. . . . I have combined the peasantry together in a moral organization." Neither would he agree to any secret societies or conspiracy ; his movement must be above-board, open to all the world, and within the lines of the law. "I learned," he said, "from the example of the United Irishmen the lesson that, in order to succeed in Ireland, it was strictly necessary to work within the limits of the law and the constitution. I saw that fraternities and societies, banded illegally together, never could be safe ; that invariably some person without principle would be sure to gain access into such societies, and either for ordinary bribes, or else, in times of danger, for their own preservation, would betray their associates. Yes, the United Irishmen taught me that all work for Ireland must be done openly and above-board."\*

On the other hand, he gave to the movement a spirit and an impulse, very different from that which had been followed in the past, or was then approved by the older leaders of the Catholic party. Mr. Keogh had for many years been the acknowledged chief of this party, and had nearly been successful in obtaining emancipation in 1795. On the formation of the Catholic Association in 1807, he recommended a dignified silence and a waiting game, pending the

\* O'Neil Daunt's "Personal Recollections of O'Connell," p. 214.

lifetime of George III. O'Connell arrayed himself against this policy, and carried the Association with him by a majority of 134 to 110. He finally broke with these leaders on the "veto" question in 1810. The Catholic aristocracy and professional men, under Lord Fingall and Mr. Keogh, and the Parliamentary advocates of emancipation, under Mr. Grattan, were in favour of compromising with the British Government on this point, and were prepared to agree to a *concordat* between it and the Papal Court, under which the appointment of the prelates of the Irish Church should be subject to the approval of the British Government. O'Connell threw himself heartily in support of the popular feeling in Ireland against this proposal. As a result, the former leaders of the movement were set aside, and lost their influence, and O'Connell became the sole leader and director of this great movement. It was at his instance in 1823 that the Catholic priesthood were invited and induced to take a part in the agitation. It was an innovation the expediency of which many had doubt. "We have a power," said O'Connell, "that never yet has been called into the field, one that must coerce the British Government into doing justice to Ireland; that is the priesthood. . . . Without them we cannot succeed. To succeed we must have them with us. They are not only the natural protectors of the people, they are the only persons who can make them thoroughly sensible of the political degradation into which the laity are plunged." It was at his suggestion also that a great national fund was formed, and was collected mainly through the priesthood, for defending the cause in the law courts, in the press, and before Parliament. It was his eloquence, his stirring appeals to the country at meetings without number, and his written addresses to the people of Ireland, that roused the popular feeling, and created that universal demand which made it impossible for the Government to resist it.

No one, ever before or since, has had so completely

at his command the qualities of a great tribune, for conducting a constitutional movement. With his powerful voice, of great compass and beauty, vibrating with sympathy, he could excite his audiences to the highest pitch of enthusiasm, could raise their indignation against the Government to a fever heat, and could also arrest their action at a point just short of violence or insurrection, and inculcate prudence and reserve. His language at times was undoubtedly unrestrained; his assaults on his opponents were not unfrequently bitter and wanting in taste; but these were the exceptions, rather than the rule. His oratory, looked at as a whole, even when addressed to the lowest classes, was of the highest order; he knew how to touch the hearts of the people; and he could equally excite their sense of ridicule;\* he had great command of pathos; his eloquence was persuasive in the highest degree, and not unfrequently dramatic. He was able to fill the popular mind with his own conceptions, and to animate his audiences to a point at which they would follow implicitly his will. His methods appeared to be too rough to those who had formerly conducted the movements. In this respect, however, full justice was done to him many years after the victory was achieved, by Lord Fingall, the acknowledged head of the old Catholic families. Shortly before his death in 1836, Lord Fingall conveyed, through an intimate friend of O'Connell, the message that he desired to make atonement for not having always supported him, as he then felt he should have done. He admitted that he had been criminally cowardly in the Catholic movement. "We never understood," he said, "that we had a nation behind us. O'Connell alone comprehended that, and used his knowledge fitly. It was by him that the

\* O'Connell's reply to Vesey Fitzgerald on the hustings at Ennis, in the Clare election, was perhaps the best example of this power. Fitzgerald had made a most eloquent and pathetic appeal, which had produced a great impression. O'Connell, however, in a few minutes entirely destroyed the effect of it by the dexterous, and not very fair, use of ridicule.—Sheil's Sketches: "The Clare Election."

gates of the constitution were broken open for us. We owe all to his rough work ; and to effect further service for Ireland there must be more of it. I never understood this until they made me a peer of Parliament." \*

Whatever may be thought of the excesses of language and vituperation in which O'Connell not unfrequently indulged, no one can fail to admit that the general moral tone pervading them was excellent. He never lost the opportunity of inculcating that his cause could only be successful by moral means. He denounced outrage and crime. He constantly repeated the phrase that those who committed crime were enemies to the cause of Ireland. He held up to odium the conduct of the insurgents in Canada, and he told the Catholics of Ireland not to follow this example. His scheme was that of peaceful agitation only. He desired the people to be submissive to the laws and loyal to the Crown, but he aimed at making them practically ungovernable. While stirring the passions of the people, as no one had ever attempted to do before, he made them shrink from violence. A policy such as this, and methods of the kind he adopted, necessitated an authority on the part of the leader unquestioned and unlimited. After the supersession of the older leaders of the Catholic cause, O'Connell acquired this authority, not without occasional complaint, but without reserve, and he held it till the Catholic cause was gained. The cause of his great influence and authority over his countrymen was not his mere power of speech, or even his deep personal sympathy with them ; it was grounded on his long years of patient labour on their behalf—on the conviction that during this period he had devoted all his great and varied powers to their cause ; that he had fought the Government in every direction—in the law courts, on the public platform, in the press, and, finally, on the hustings—and had always

\* Fagan's "Life of O'Connell," vol. i. p. 162.

been successful. He had raised them from a position of degradation to one of equality with their opponents; and in doing so he secured his influence over the hearts of nearly seven millions of people.

Just in proportion, however, as O'Connell had obtained this empire over these millions of Catholic Irishmen, and for the same reasons, he was hated by the governing classes of England. His policy and his success crossed their religious prejudices, their imperial instincts, their *amour propre*, at every turn. There was no man more universally attacked and abused. He had humiliated their Government. The English sense of law and order was revolted by the repeated outbreaks of crime and outrage in Ireland, which they attributed to his agitation. The process of political agitation was then new to Englishmen. Later, they adopted the method without acknowledgment, and without changing their opinions of its great professor. The Reform agitation, and that for the repeal of the corn laws, were conducted on the lines invented by O'Connell, and were successful; yet the English people would not forgive him for his Catholic agitation, still less for that in favour of Repeal. To a recent time, English historians even have refused to do him justice, and have dwelt only on his defects, without recognition of his great qualities, or of his services to Ireland. Even so advanced a political thinker as Miss Martineau, one so imbued with Liberal ideas, never speaks of O'Connell but in terms of disparagement and contempt, accusing him of habitual unverity and want of courage.\* His contemporaries in political life pursued him with even greater rancour. They affected to be disgusted with his violent language and his bitter invective—offences which they were ready to overlook in Brougham, Lyndhurst, and Stanley. They were scandalized by his attacks on

\* Feminine spite could scarcely go further than where Miss Martineau, in speaking of George IV., says that "he was in unreliableness a match for O'Connell."—"History of England," vol. ii. p. 206.



the House of Lords, forgetting the attitude of that body to Irish questions. They could not forgive him for receiving tribute from the Irish people. Indeed, nothing contributed to O'Connell's unpopularity in England so much as this. He was denounced as a mendicant agitator; he was popularly known as the "Big Beggarman." \* Yet, for services to his countrymen in another popular cause, Cobden received as a personal gift, without any one raising an imputation against him, sums not much less than those freely given to O'Connell for labour, longer in point of time, and even more important in its results to Ireland. It may be worth while to recall his own answer to charges on this subject made by Lord Shrewsbury in 1842. "I will not consent," he wrote, "that my claim should be misunderstood. That claim may be rejected, but it is understood in Ireland. For more than twenty years before Emancipation the burden of the cause was thrown upon me. I had to arrange the meetings, to prepare the resolutions, to furnish replies to the correspondence, to examine the case of each person complaining of practical grievances, to rouse the torpid, to animate the lukewarm, to control the violent and the great, to avoid the shoals and pitfalls of the law—to guard against multiplied treachery, and at all times to oppose at every point the powerful and wealthy enemies of the cause. At a period when my minutes counted by the guinea, when my hours were limited only by the extent of my

\* In 1833, one of the leaders of the Ulster Tories, Mr. Gordon, attacked O'Connell in these terms, amid the cheers of the House: "He would refer the House to one who had made money in Ireland, not as the inculcator of Christian truth, but as the minister of sedition. He could refer them to one whose exertions in that character had done more to feed the gibbet and to fill the convict ship than all the other causes that were active in that unhappy country. Nor were such exertions gratuitous; for the penury of the poor, who had been the dupes of his delusions, was taxed to remunerate his services, and the tribute, as it was called, had been in many cases extorted under the threat of ecclesiastical anathemas in Ireland."

physical and waking powers, when my meals were shortened by the narrowest space, and my sleep restricted to the earliest hours before dawn—at that period, and for more than twenty years, there was no day that I did not devote two hours, often much more, to the working out of the Catholic cause, and that without receiving or allowing the offer of any remuneration even for personal expenditure. For four years I bore the entire expense of the Catholic agitation, without receiving the contribution of others to a greater amount than £74 in the whole. Who shall repay me for the years of my buoyant youth and cheerful manhood; for the opportunity of acquiring professional celebrity, and for the wealth which distinction would ensure?"\* He never received any remuneration for these long years of service until after the passing of Catholic Emancipation. Thenceforward an annual collection was made for him, on a special day, in every parish in Ireland. He gave up, however, his legal practice, at which he was then realizing an income of £9000 a year, and devoted himself wholly to the service of his country. He refused the offer of the Whig Government, in 1838, of one of the highest legal posts, that of Chief Baron of the Exchequer, in Ireland—an appointment which would have been most agreeable to him; he declined it because he considered that, in the waning popularity of the Whig Government, his continued support of their administration was of the utmost importance to Ireland. His personal expenses connected with his position were very great, and he was unable, in spite of the generosity of the Irish people, to lay by anything; and although he had inherited a considerable landed property from a relative, he died leaving his family but poorly provided for. He was justly proud of the fact that he was the only person on whom a voluntary annual tribute was ever bestowed by a nation.†

\* O'Connell's reply to Lord Shrewsbury, p. 67.

† General Sir William Napier, a high authority on a point of

In political history of modern times there is scarcely to be found an instance of treatment similar to that accorded to O'Connell, during and after the period of Catholic Emancipation. He came over to England in 1829, with the unlimited confidence of a population, which was then little under one-third of that of the United Kingdom, and over whom he exercised an almost kingly sway. He had sustained almost alone the cause of this people for over twenty years, and had brought it to a successful issue, in spite of every difficulty and opposition. Wise and far-seeing statesmen would have done their utmost to conciliate such a leader. Yet Tories and Whigs vied with one another in treating him with indignity or neglect. Peel purposely framed the Catholic Relief Act so as to exclude him from its immediate benefit, and to invalidate his recent election for Clare, in the vain hope that he might not be re-elected. The Whigs, after benefiting by his support in defeating their opponents and carrying Reform, refused to take him into their counsels; they neglected his claims upon them; they allowed the old system of Protestant Ascendancy to be continued in the administration of Ireland, as though no relief Act had been passed. The later Whig

honour, wrote of the O'Connell tribute as follows:—"I don't agree that O'Connell gets his money wrongfully or meanly. He has undertaken a great and excellent work, the freeing of his country from the most diabolical and horrible tyranny that ever was endured; and as he is unable to do it by war he must do it by art. Hence many things he must submit to, many mean acts he must commit, because he has to do with the meanest and lowest of men. You judge him harshly; he does not do the thing in the noblest way, but he does it. If he did not take the money he would have been driven from his purpose long ago. He is a general, to be provided and paid for the sake of his army and his cause. Don't run him down, or you ruin the only chance of poor starving wretches here, whose fate depends on his success."—"Life of Sir William Napier," vol. i. p. 458.

Mr. Greville also bore the same testimony. "O'Connell's dependence on his country's bounty in the rent that was levied for so many years was alike honourable to the contributors and to the recipient. It was an income nobly given and nobly earned."—"Greville Memoirs," vol. iii. p. 86.

Government of Lord Melbourne, though it was entirely dependent for its existence upon the support of O'Connell and the Irish Catholic members, was still unwilling to concede his political claims, or to treat him as an equal, and as one entitled to share in the responsibilities and honours and benefits of office. The Whig leaders did not even accord to him the courtesies and social amenities due to a man of his eminence. Some of them refused even to meet him in society. Lord Lansdowne, at whose house there met all the eminent men of the day, never invited him. Guizot says that when he was in England it was with difficulty he succeeded in obtaining an interview with O'Connell, and that it was only by special favour they were invited to meet at dinner, and that after the dinner O'Connell left early, on hearing that other guests were expected, among whom he might be unwelcome. At a court levee which he attended in 1829, the King, on whom, when visiting Ireland in 1820, O'Connell had lavished almost fulsome attentions, turned from him with an oath and refused to recognize him. When the "first gentleman in Europe" could behave in this way, it is not to be wondered at that society in London should follow suit.

O'Connell appears to have been little affected in his political conduct by these rebuffs. It may be almost doubted whether he did not hold himself too cheap. He would have been fully justified in making the support of his party to Reform conditional upon a change of administration in Ireland, and even upon his own admission to the Cabinet as a pledge for this change. Still more, in the case of Lord Melbourne's Government, he might have insisted on a place in the Ministry. His ambition did not soar higher than the post of Attorney-General for Ireland, and even this was refused to him. Many men in his position would have been induced by this treatment to sow difficulties and intrigues in Parliament. O'Connell did, indeed, on Irish questions most bitterly and most justifiably

oppose Lord Grey's Government; but on every other question of English and Imperial politics he gave a steady and unvarying support to the Liberal party, and rendered the utmost assistance in carrying reforms of all kinds. He boasted, with great justice, that the success of the Reform Act was due to the co-operation of himself and the Irish party. He was an ardent supporter of other great reforms, such as negro emancipation, freedom from disabilities for Dissenters, and the admission of Jews to Parliament. He advocated free trade in the food of the people, and anticipated even Cobden in demanding the complete abolition of all duty on corn. He was distinctly in advance of his time on all questions of social reform. He was essentially, however, conservative in his general views of the rights of property, and freedom of contract between man and man. In 1843, he expelled William Connor, a gentleman-farmer, from the Repeal Association for recommending a strike against rent till the claims of Ireland were fairly adjusted. He refused any co-operation in his Irish policy from the Chartists; he risked his popularity in Ireland by denouncing the unwise restrictions of the trades-unions of Dublin, and was for several days hooted by the mob in Dublin on this account. He also refused to receive any support to his cause from the slave-owners of the Southern States of America. In religion, he was at all times a most devout member of the Catholic Church, and was much under the influence of its hierarchy, and in later life he was almost ascetic in his habits; but his tolerance of the opinions of others was liberal in the best sense, and he never lost an opportunity of giving example to others in this respect.

It has already been pointed out that O'Connell entered the House of Commons at the age of fifty-five—somewhat late for the commencement of a new career; it is probable that the House of Commons did not hear him at his best. A long course of plat-

form oratory was not a good preparation for the more critical and refined audience of English members. He held his own, however, in the front rank with opponents of the highest quality, having to meet in conflict a succession of most eminent statesmen, and with little assistance among his own followers, except from Sheil, who was a rhetorician rather than a debater or statesman. O'Connell, however, was equal to Stanley as a debater, though wanting in his elegance of style; he was scarcely inferior to Peel in his powerful exposition of a case, and in his logical development of a long argument, as in the case of his speech on the repeal of the Union in 1834, and still more so in his great speech on the same subject, to the Corporation of Dublin, in 1843; he was at least the equal of Disraeli in invective and sarcasm, when occasion required these weapons.\* These merits, however, were undoubtedly often obscured by breaches of conventional decorum specially displeasing to the House of Commons, by rudeness of language amounting sometimes to scurrility, by a certain want of self-respect, and by recklessness of statement, which rendered him occasionally liable to the charge of untruthfulness. These defects, however, were but small blemishes on his great merits; and a just retrospect of his statesmanship and speeches must accord to his Parliamentary career a very high position—one which alone would entitle him to rank among the first statesmen of the day.

O'Connell's first Repeal agitation, in 1830 to 1834, was due, and justly due, to the treatment which Ireland received immediately after Catholic Emancipation—to the failure of Peel, and subsequently of Lord

\* It may be worth while to quote Sir Robert Peel's opinion of O'Connell as a speaker. Some one had said of O'Connell that he was a "broguing Irish fellow," whom no one would listen to. Peel replied, "My own opinion, candidly, is that if I wanted an efficient and eloquent advocate, I would readily give up all the other orators of whom we have been talking, provided I had with me this same broguing Irish fellow."—O'Neill Daunt, p. 55.

Grey and Stanley, to carry out the principles of that measure to their logical conclusion in the practical administration of Ireland. There would have been no greater difficulty in Ministers coming to agreement with the Irish leader in 1830 than in 1835. When taunted, in 1833, by Stanley for raising the question of Repeal, O'Connell said, "As long as I could see the utility of the British Parliament, and an immense utility may exist, I should prefer seeing this House doing justice to my countrymen, rather than that it should be done by a local legislature. I repeat it, though this avowal is likely to be turned against me in Ireland; but I adhere to it, for it is my abstract opinion. If I thought that the machinery of the present Government would work well for Ireland, there never lived a man more ready to facilitate its movements than I am. The only reason I have for being a Repealer is the injustice of the present Government." \* It is probable that in this agitation he had no expectation of immediate success, and that he used it as well for the purpose of compelling the Government and Parliament to do justice to Ireland, and to change the policy of its administration, as with the hope of ultimately achieving the restoration of the Irish Parliament. He brought the question of Repeal before Parliament, in 1834, with great reluctance, and only because he was compelled to do so by pressure from Ireland and by taunts in England. He said himself, "I felt like a man who was going to jump into a cold bath; but I was obliged to make the plunge." † He felt that the question was prematurely forced upon Parliament, and that it would suffer in consequence. The crushing defeat which resulted, and the fact that only a single English member voted for the motion, justified this view, and extinguished for the time all hope or prospect for the cause. "Nevertheless," he said, at a later period of his life, "one solitary good

\* Hansard, 3rd series, vol. xv. p. 893.

† O'Neil Daunt's "Personal Reminiscences of O'Connell," p. 18.

resulted from the discussion. It forced from the Imperial legislature a pledge to do full justice to Ireland—a pledge they have shamefully violated; and this legislative violation of a solemn pledge adds to the force and weight of the argument for Repeal.” \* There can be little doubt also that the discussion which took place on the motion produced a great effect on opinion in England, and compelled a change in policy of the Whig party, resulting in the retirement of Lord Grey and Mr. Stanley, and the subsequent formation of the Melbourne administration. O’Connell’s bargain with this Whig Ministry was entirely disinterested. It was carried out on his part with perfect good faith, through the whole period from 1835 to 1841; by his influence the Whigs were kept in power, in spite of the failure of the Government to carry the promised remedial measures through the House of Lords. There can be no doubt that the administration of Ireland by Lord Mulgrave and Mr. Drummond had much to do with the maintenance of this *entente cordiale*, and if the Government had been equally successful in Parliament, it is possible that Ireland might have been propitiated.

After the accession of Peel’s Ministry in 1841, O’Connell was impelled to renew the Repeal agitation by the failure of the Whigs to carry their Irish measures through the House of Lords; by his long past experience of Peel’s policy to Ireland; by his personal animosity to Peel; by the condemnation of the Lords of the Irish administration of Lord Mulgrave and Mr. Drummond; by his conviction that nothing could be gained for Ireland, except by agitation brought to the very brink of civil war. That O’Connell was perfectly justified in mooted the question of Repeal from a constitutional point of view, no one can now doubt; he had himself opposed the policy of the Parliamentary measures by which the Union was carried; he had recollected the Irish Par-

\* O’Neil Daunt’s “Personal Reminiscences of O’Connell,” p. 81.



liament in its full vigour ; the repeal of the Act was as proper a subject for discussion both in Parliament and on the platform as any other popular demand. It has been doubted whether, in the commencement of the second agitation for Repeal, he had more hopes of success than in the first ; and whether he did not again aim, by threats of Repeal, at bringing pressure to bear on the Government for a change of policy, and to secure the passing through Parliament of measures he considered essential to Ireland. The success, however, of the movement in Ireland was immense. It roused the popular enthusiasm even more than had the movement for Catholic Emancipation. With the rising tide of popular feeling, his own hopes and expectations increased. He might well conceive that the same methods, which had caused relief for the Catholics, would, in the intensity of public feeling in Ireland, serve him for carrying the greater question of Repeal. He had, perhaps, an exaggerated view of the effects of a popular movement. He constantly used the phrase that "there is a moral electricity in the continuous expression of public opinion concentrated on a single point perfectly irresistible in its efficacy." Looking to the proportion which the Irish then bore to the people of England, he might not unreasonably think that if he could so consolidate public opinion in Ireland, as to make the country practically ungovernable by the English Government, without resort to force or open rebellion, he might succeed in compelling Parliament to concede his demands. He attempted a task, however, beyond his physical powers, at the age he had attained. He was unable to take advantage of the breakdown of the prosecution, and of the discredit cast upon the administration of Peel, by the reversal by the House of Lords of the verdict of the packed jury in Ireland, and of the partisan decision of the Irish judges. In his earlier days, there can be little doubt that he would have made great use of this victory ; he might have

carried his policy to the point of superseding the British Government throughout the greater part of Ireland. His strength, however, was already spent; he was unable any longer to initiate; he could not keep under control the more ardent spirits of his party; he could not prevent a disastrous split among his followers.

It is not yet possible, after an interval of forty years, to pass a final judgment on the policy which O'Connell advocated, or the methods which he adopted for the purpose of accomplishing his aims. The close of his life was in unhappy contrast to its general tenor; a sense of failure in his last great effort disheartened him; the defection of friends, and the consciousness of inability to direct the movement, must have saddened him; and to this was added the grief caused by the crushing calamity of the Irish famine, which, to a man of his sensitive nature, was almost overwhelming. He, better than any one, appreciated the extent of this terrible crisis, and the effect it would have upon his country. He died under a sense of gloom and despondency which few public men of his station have had to endure. Whatever may have been his faults, history must concede to him the position of the greatest man whom Ireland has produced; one who lifted a subject race from degradation and servility to a position of equality with its oppressors, who claimed for his country through long years a restoration of those rights of self-government of which it had been unjustly deprived, and who to all ages will be loved by Irishmen for those sympathetic qualities which, for them more than most people, were the necessary conditions of leadership. There are two tests of statesmanship—the one the actual work a statesman accomplishes; the other what he has striven for, but failed to accomplish. O'Connell will stand such tests better than most, if not all, of his contemporaries. No one accomplished more for his fellow-citizens, in obtaining their emancipation from laws unjust and mischievous, and in raising their

whole status. No one was more uniformly in advance of his time in advocating great changes, tending to the political, material, and moral well-being of Ireland. A better epitaph could not perhaps be written on O'Connell's tomb than his own eloquent words: "Grattan stood over the cradle of his country and followed her hearse. To me it has been given to sound the trumpet of her resurrection, and proclaim to the world that she is not dead, but sleepeth."

## CHAPTER III.

THE death of O'Connell would have produced more serious effects upon the fortunes of Ireland, if it had not been that already his failure of health, on his release from prison, and his consequent inability to control the new elements growing up in the country, had led to dissensions and schisms among the national party. His death left the moderate section of the old Repeal Association practically without a leader, or an efficient exponent of their views. For a time, his son, John O'Connell, acted as his successor, but he was unequal to the task; he had no authority in Ireland except what was due to the name he bore, and he carried no weight in Parliament; under his leadership the Association melted away, and soon disappeared. The more advanced and active men of the party had already ranged themselves under Smith O'Brien, Duffy, Meagher, and Mitchell, in their independent confederation. This body, no longer influenced by the superior authority of the Repeal Association under O'Connell, now hurried onwards in a course, to which its members had long been logically committed—that of physical conflict with the Government.

Many circumstances tended to hasten on this issue. The distress in Ireland in the early part of 1847 had been terrible; famine and consequent fever and emigration had diminished its population; the poverty of some districts was most deplorable; no attempt had been made by the Government to legislate in the direction of saving the poorer tenants from the harsh

processes of the eviction law ; the Poor Law Act of this year, refusing relief to tenants, who were in the occupation of more than a quarter of an acre of land, added enormously to the number of those who were compelled to give up their holdings. The agrarian difficulty, thus brought to a crisis, gave rise to outrages and crime of a most serious character. The Irish Government, as usual, attributed these disturbances to the action of agitators, rather than to the inherent evils of the land system, and to its own neglect of remedial measures.

Parliament was summoned in November, and the Ministers, forgetting that they owed their position to the rejection of the Coercion Bill of Sir Robert Peel, in the previous year, now brought in a very similar measure. It was based upon the familiar method of enabling the Lord Lieutenant to proclaim districts, within which exceptional powers were given to the Executive, of forbidding the carrying of arms, of compelling people to remain at home after dark, and of employing a greater number of police at the charge of the district. Peel gave a hearty support to it ; he disclaimed any wish to triumph over the administration, and he reminded his own friends that the best reparation, that could be made to his own defeated Government, was to assist their successors in passing this measure for Ireland. He admitted that coercion was no remedy for the social evils of Ireland, but he could not postpone it until he had remedial measures before him. Mr. Disraeli, on behalf of the main body of the Tory party, also supported it, endeavouring to distinguish the position from that of the previous year, by pointing out that it was the long delay between the introduction of the Coercion Bill and its second reading which had induced him and his friends to vote against it. The measure was feebly resisted by John O'Connell and a small section of Irish members, but was carried against a minority not exceeding twenty. Smith O'Brien, who was the sole representative of

the more advanced section of the Irish party, made his appearance in the House on the third reading of this measure, and delivered a powerful speech against it.

Meanwhile events were brewing on the Continent which were to produce a powerful effect on Ireland. A revolution broke out in France early in 1848, which swept away the Orleans Monarchy, and replaced it by a Republican Government; and from this centre a revolutionary wave swept over a great part of Europe, resulting in the overthrow of many existing institutions. It had a rapid effect upon Ireland; it fomented the disaffection already rife there. Revolutionary papers, such as the *United Irishman*, were started, advocating rebellion and separation from England. Clubs of an equally advanced and rebellious character were founded in Dublin and other large towns—such as the Emmet Club and the Sarsfield Club. Smith O'Brien, in the Confederation, moved an address, congratulating the French people on their action, and on the establishment of the Republic; and a deputation was sent over to Paris, consisting of O'Brien and Meagher, to convey their good wishes to Lamartine as the head of the French Government.

The British Government met these movements with strong measures, calculated to bring the disaffection to an immediate issue. They prosecuted Smith O'Brien, Meagher, and Mitchell for seditious speeches and writings. They applied to Parliament for a series of measures strengthening the powers of the executive. The first of these was a Bill, applicable to the whole of the United Kingdom, for simplifying the law of treason—a Bill which, when passed into law, was known as the Treason Felony Act. Smith O'Brien, returning from France, appeared in the House of Commons in time to oppose this measure on its second reading, and, amid great disturbance and most hostile expressions from all sides of the House, delivered against it his last speech in Parliament. "I see in this measure," he said, "a new

attempt to meet the claims of Ireland by coercion rather than by conciliation. The people will laugh at your attempt to indict a nation. In the year 1842, before I joined the Repeal Association, I felt it my duty to make a last appeal in this House, asking from them what was then called 'justice to Ireland;' that is, a series of measures calculated to give satisfaction to the Irish people, consistent with the maintenance of the union between the two countries. You refused that appeal. You have now one other opportunity of meeting the demands of that nation, by yielding to their claims for a separate legislature—for the principle of self-government, as under the ancient constitution of Ireland. . . . I have been called a traitor. I do not profess disloyalty to the Queen of England. But if it is treason to profess disloyalty to this House, and to the Government of Ireland by the Parliament of Great Britain—if that be treason, I avow the treason. Nay, more; I say it shall be the study of my life to overthrow the dominion of this Parliament over Ireland. It has been said that I went to France for the purpose of enlisting French aid—that is to say, armed aid. This is a misapprehension. If I had gone to France asking for aid of an armed kind, believe me, I should have come back accompanied by a tolerably large legion of troops. . . . The language I have held in Ireland and in France to my countrymen has been this—that Irish freedom must be won by Irish courage and Irish firmness. I have no desire to impose on my country one description of servitude for another; for I believe that the liberty of Ireland, and its redemption from its present position, were they won by foreign bayonets, could not be retained in its possession by foreign bayonets; and therefore it is not my desire, or my intention, to place my country under foreign dominion. . . . Now, I avow the fact—I know not whether it be illegal or not—that I have been instrumental in asking my countrymen to arm. There is not a nation, I believe, in Europe, which does

not make it part of its duty to instruct its citizens in the use of arms ; and I conceive that it is the peculiar duty of the Irish people to obtain the possession of arms at a time when you tell them you are prepared to crush their expression of opinion, not by argument, but by brute force. I ask them to arm now, for the preservation of order, as well as for the purpose of acquiring their liberties."

O'Brien then read a resolution, passed at the last meeting of the Irish Confederation : " Resolved, that we hereby repudiate, as a gross calumny, the imputation thrown out upon us by Lord John Russell, that the object of this Confederation is social disorder, and a violent separation from Great Britain ; and we hereby declare that our object is now, as it always was, the legislative independence of Ireland, and thereby the maintenance of social order ; and we desire that such independence may be obtained, if possible, without civil war." He then proceeded : " We have, at the suggestion of the late illustrious leader of the Irish people, recommended our countrymen to send to the metropolis of Ireland a national council, to be composed of three hundred persons. With all deference to the Irish members in this House, we do feel that they are not exponents of the Irish nation, one in a hundred of whom only is represented in this House. We are therefore prepared to call upon the people of Ireland to send to Dublin such a board ; and with that body I would recommend the Government to enter into early and earnest negotiations, for the purpose of effecting an amicable settlement of the question now at issue between the two countries." The latter part of the speech was scarcely audible amid the chorus of frantic yells. Mr. John O'Connell, while voting against the Bill, on the ground that the law was inadequate without it, concurred in execrating many of the speeches recently uttered in Ireland, and in condemning the insane criminality of those who were exciting that country to rebellion.



Mr. Bright also spoke and voted against the measure. It passed, however, by a majority of 283 to 24.

The trials of O'Brien and Meagher for sedition took place shortly after, but in neither case were verdicts obtained by the Crown. The juries were most carefully selected or packed; but a single Catholic juror in each case escaped the vigilance of the Crown lawyers, and would not join in finding verdicts against them. Mitchell also was tried under the recent Treason Felony Act, and in his case a jury was sworn on which there was not a single Catholic; twenty Catholics were ordered by the Crown lawyers to stand aside, and the jury finally consisted of twelve Protestants of the most Orange dye. They found Mitchell guilty, and he was sentenced to fourteen years' transportation. Within two hours after the sentence, he was hurried on board an armed steamer, and was conveyed away from his country. Dublin had been filled with troops to provide against a possible attempt to rescue him. In the House of Commons, an attack was made on the Government for packing the jury in Mitchell's case; but Lord J. Russell, who had been foremost in denouncing this process in O'Connell's case, now defended it, and had the assurance to say that express orders had been given to the Crown lawyers not to order jurors to stand aside because they were Catholics.

Later in the session, Parliament, under the influence of fear caused by the revolutions in Europe, and by the Chartist movement in England, passed several other Acts for strengthening the powers of the Government in Ireland—a measure for suspending the Habeas Corpus Act, another for the removal of aliens, others for prohibiting unlawful oaths, etc., making altogether six coercion Acts in the year. Of remedial measures the Government had promised, at the commencement of the session, a tenants' compensation Bill, a Bill to reform the grand juries, and a measure facilitating the sale of encumbered estates. The first of these, a measure almost identical with Stanley's Bill of 1845,

was introduced and was referred to a committee, but was not proceeded with further, while a proposal of Mr. Sharman Crawford to extend the tenant-right custom of Ulster to the rest of Ireland was rejected by a majority of 145 to 122. The second never saw the light. The last alone was carried, but proved to be ineffectual.

After the suspension of the Habeas Corpus Act, the Irish Government at once took the initiative against the leaders of the various clubs and local organizations. It arrested and imprisoned, by warrants of the Lord Lieutenant, and without any legal process, one hundred and eighteen of these men, including Duffy, Martin, O'Dogherty, and Williams. O'Brien was in Wexford when he heard of these proceedings, and he was soon after joined by Dillon and Meagher. O'Brien appears to have lost his head; he took the field against the Government without arms or stores or provisions, and with a mere handful of men. He wandered vaguely and without any definite purpose from place to place, followed by about three hundred men, whose numbers were at times increased by bands of peasants, who as speedily melted away, partly from want of food, partly by the advice of the Catholic clergy. No persons of influence or position joined in his enterprise. The priests without exception held aloof from it. Under these depressing circumstances, the outbreak was as hopeless and even absurd as that of Emmet. O'Brien and his few followers made a final attack on a cottage at Enniscorthy, held by a small band of armed police, and, on being repulsed, were compelled to surrender in a garden attached to the cottage under circumstances which completely extinguished the enterprise.

O'Brien and his principal comrades were tried for high treason, were found guilty, and were sentenced to death. They declined to accept a commutation of these sentences to transportation for life. It was necessary to obtain an Act of Parliament authorizing their transportation, and they were finally shipped to

Van Diemen's Land as common convicts. Duffy was twice tried for seditious libel, but on neither occasion would the jury agree, and he was finally released. At one of the last meetings held in Conciliation Hall, John O'Connell pointed to the sad fate of those who had disregarded the counsels of the Liberator, and, drawing a moral from their case, entreated the people of Ireland to sustain him in a constitutional agitation and in peaceful appeals to Parliament.

In the following session of 1849, the Government again applied for a renewal of the measure suspending the Habeas Corpus Act, and in spite of the opposition of John O'Connell and a small section of Irish members, but supported by Peel and the Tory party, had no difficulty in obtaining it from Parliament. Distress, resulting from the failure of potatoes, still continued in many parts of Ireland, and it was again necessary to make special provisions. A grant of £50,000 was made by Parliament to the distressed unions, and a further contribution was levied for the same purpose by a general rate in aid over the whole of Ireland. The Bill for this purpose led to very important debates, in which Sir Robert Peel spoke twice at length on the subject of Ireland, and elaborated a plan for dealing with the poorer parts of that country. He recommended the appointment of a commission with vigorous and concentrated control over these districts, and with powers to effect new settlements there on the model of the plantations in Ulster; he proposed that it should be empowered to buy out the existing landlords, to emigrate the redundant population, to settle English farmers there, and eventually to resell the land to English capitalists; he quoted the authority of Lord Bacon for such a plan.\* He also urged on the Government the extreme importance of passing an effectual measure for the sale of encumbered estates throughout the whole of Ireland. Mr. Disraeli, in the second debate on this subject, criticised Peel's

\* Hansard, 3rd series, vol. ciii. p. 179.

project unfavourably : "The characteristic feature of the scheme was that the State was to appropriate to itself those vast regions which were the scenes of so much misgovernment and misery, and which, under a happier management, might lead to the regeneration of Ireland. He could not but infer from the scheme, as developed, that Sir Robert Peel anticipated a considerable home colonization in Connaught. But he saw great difficulty in the way of planting forced colonies in the west, and extreme dangers in the consequences if they could succeed in so doing. The colonies planted by James I. were sustained in the midst of difficulties by a community of religious feeling and sentiment. But no such element of success could enter into the colonies anticipated in the west. The farmers who would be planted there would be mostly Protestants, and a religious struggle would arise, which, in addition to the adverse claims of the population already on the spot, would render it necessary for the colonists to maintain themselves by force of arms in their new location. Such a state of things would be no step towards the regeneration of Ireland."\* The previous debate was notable for an important speech of Mr. Bright, the first of a long series, spread over many years, in which he urged reforms for Ireland. "Ireland," he said, "had for ages been entirely governed through its landlords. The pernicious principle on which it had been ruled through them was still in practical operation. The pivot on which the Government of Ireland had turned, and on which it still continued to revolve, was that of force and alms. They had fifty thousand men in that country armed to the teeth to keep the people down, and they were annually voting away large sums of money to keep them alive. Tried by its fruits this system was a palpable failure." He proceeded to review the whole system of real property tenure in Ireland, inveighing against the strict and cumbrous system of entail, the law of

\* Hansard, 3rd series, vol. civ. p. 190.

primogeniture, and their consequences, the complication of titles, and against the pride and extravagance of the Irish gentry. "In the state of the land question lay the real difficulty of the country. They must free the land and facilitate its transfer ere they could hope to effect anything like a permanent regeneration of Ireland."

The debate led to the proposal of a fuller and more complete measure for the sale of encumbered estates in Ireland, which had long been urged on the Government by Sir Robert Peel, and which was now cordially supported by him. It was proposed to appoint a special Commission for the sale of landed estates on the petition of encumbrancers or creditors, and with full power to cut all the legal knots and intricacies in which Irish properties were involved, to give Parliamentary titles to the new purchasers, and to distribute the proceeds among the persons interested. The measure was accepted by all parties without objection. It was believed by its authors that it would have the effect of introducing a new class of owners—Englishmen and Scotchmen, with large capital, which they would be able and willing to expend in improving the land in Ireland. In other words, it contemplated the introduction of the English system of land-ownership, where all substantial improvements are effected by the capital of the landlords, and where the tenants supply only the capital sufficient for stocking and cultivating the land, in lieu of the Irish system, where, as a rule, nothing has been done by the landlords, and where the tenants have made whatever improvements have been effected, even in drainage and the erection of houses and farm-buildings. It was a land reform essentially based on English methods and English ideas, and without knowledge of or consideration for Irish methods, or of the rights, which had grown up under the Irish system. It does not appear to have occurred to any one that some protection should be accorded to the tenants in respect of their past improvements,

when they were about to be handed over to new landlords, who were expected and intended to deal with the land in a different spirit. With full knowledge of the conditions of Irish tenancy laid bare by the Devon Commission, it seems strange indeed that no heed was given to the tenants' interests. Nothing could have been easier than to provide that no sale should take place under the exceptional powers proposed to be conferred, unless some security was provided, sufficient, in the view of the court, to save the tenants from injustice on the part of the new purchasers. No such course was taken, and no thought was given for the tenants' interests; nor does it appear that any amendments were proposed in this sense by Mr. Sharman Crawford or other representatives from Ireland, who had advocated the claims of Irish tenants.

As a result, most serious consequences followed, the full bearing of which appeared only in later years. Although at law the Irish tenants, whether in Ulster or in other parts of Ireland, were at this time entirely without protection for the value of the improvements which they had effected; yet, under the practice as recognized by the universal custom of the country, and often enforced by the violent methods of agrarian outrage, the landlords did not, or could not, raise their rents, so as to appropriate the tenants' interest. Nowhere was this more clearly understood and acted upon than in Ulster, and the tenant-right custom of that province was enforced by a general combination of the tenants, and its rare breach was generally followed by murder of the agent or landlord. The older class of landlords, in whose families estates had been held for centuries, generally recognized and acted on their moral obligations. Under the Encumbered Estates Act, large numbers of landlords of this class were compelled to sell their properties. The land passed by purchase into the hands of a very different class of owners. So far as the Act contemplated the introduction of English capital and English landlords, it was a failure. In the

eight years following the Act, 3197 properties were sold by the Commission for upwards of twenty millions sterling. They were bought by 7216 purchasers, of whom only 314 were Englishmen or Scotchmen, showing that substantially the new purchasers were Irishmen buying with Irish capital.

These new Irish purchasers were of a different class from the former owners. They bought with a view to investment only, and with the intent of making as much as possible out of the land. They came into possession of the land, without knowing anything of the traditions of the estate, or of the former relations of the tenants to their landlords. They felt no compunction in raising their rents to the full rack-rent value of the land, wholly regardless of the tenants' interest. On the other hand, they did not, any more than the older landlords, expend any capital of their own on the land. The system which had prevailed in Ireland continued as in the past, with this difference, that the tenants had less moral security for any capital in money or labour, which they expended on their holdings, just in proportion as the new class of landlords, ignorant of the traditions of the property, were likely to take advantage of their legal position in screwing up their rents, or in clearing their estates. The measure, therefore, failed in its central idea of introducing the English system of improving landlords, who would stimulate the expenditure of capital on the land, while it entailed a vast amount of hardship on individual tenants, by introducing a new class of landlords, unacquainted with the custom of the country, and bent only on making the utmost out of the land, by raising their rents on the tenants' improvements.

Peel must be considered largely responsible for this failure. The measure was due mainly to his inspiration. He had appointed the Devon Commission. He must have studied its reports sufficiently to justify his Tenants' Compensation Bill of 1845, and he must have known how completely the tenants

were at the mercy of the landlords in respect of past improvements. As it was, the measure produced very little good beyond enabling a certain number of mortgagees and encumbrancers to realize quickly their interests. Many old Irish families were ruined by being compelled to sell at a time, when landed property in Ireland was most seriously depreciated, and when no margin was left for them after payment of the various charges, while their tenants suffered from being handed over to new masters who knew not Joseph.

In the following year (1850), Lord John Russell introduced two very important measures for Ireland, the one for extending the franchise, the other for abolishing the Lord Lieutenancy, and substituting for it a Secretary of State for Ireland. As regards the first, the results of the Reform Act of 1832 had every year become more unsatisfactory; the county electors for the whole of Ireland were now diminished in number to less than 30,000. It was proposed to reduce the qualification from £50 annual value to £8, which would have raised the number of voters to 264,000. The measure was opposed in the Commons by the main body of Tories, but was supported by Peel. In the Lords, at the instance of Stanley, the qualification was raised to £15, which would have reduced the proposed enfranchisement by one-half. On its return to the Commons, Lord John Russell offered a compromise by inserting a £12 qualification, by which it was expected that the county electors would be increased to 172,000. This was finally accepted by the Lords, and the measure became law. The debate on the other measure, for suppressing the Lord Lieutenancy of Ireland, was an interesting one. Lord John Russell pointed out that few would deny that when two countries were united there ought to be one administration only. This was the opinion of Lord Somers at the time of the union with Scotland. But at the time of the union with Ireland temporary objections existed to the extinction of the Viceroyship. He



showed that the existing relations of the administrations of the two countries were unsatisfactory, as there was no Minister specially entrusted with the representation of Ireland in the Cabinet. So much had this inconvenience been felt, that a Chief Secretary for Ireland had not unfrequently been placed in the Cabinet, who gave instructions to his own chief, and who was, therefore, the virtual governor of Ireland. The Lord Lieutenant was placed in a very anomalous position; he was asked for everything, and blamed for everything, without having the power belonging to his situation; he had the responsibility, but not the freedom and action of a Minister of the Crown; he was an object of jealousy, resentment, and obloquy to different parties in Ireland. By blending the Irish administration with that of the United Kingdom, these feelings would be extinguished. In answer to the objection that the measure might tend to withdraw the nobility and gentry of Ireland still more from that country, he announced that it was the intention of the Queen, from time to time, to visit Ireland, and with that object the residence at Phoenix Park would be maintained. Peel doubted the expediency of the measure, but was not unwilling to see it tried. He admitted the anomalous position of the Chief Secretary for Ireland since the Union. He objected, however, to the appointment of a fourth Secretary of State specially for Irish business, and considered that the Chief Secretary of State should be responsible for all the three kingdoms. The measure was very distasteful to many of the Irish members, who considered that it destroyed the last vestige of an independent and separate administration in Ireland; and though it was carried on the second reading by a large majority—295 to 70—it was not further proceeded with, and never saw the light again.

The speech, which Sir Robert Peel made on this measure, was the last in which he dealt on Irish questions. A few weeks later he was thrown heavily from

his horse, while riding on Constitution Hill, and died four days later from the effects of the fall. At the age of sixty-two, he was still in the prime of life ; and though more than forty years had elapsed since his first introduction to official life, there was every reason to hope that he might render much further service to the country. He had never made better or more powerful speeches than those delivered during this last session, and his conduct in an independent position, since his ejection from office in 1846, had increased his authority and weight with the country. He occupied a position of great power without the restraints of office.

Of Peel's policy and action during his long career as an English Minister, and on Imperial questions, common to the United Kingdom, it is difficult to speak in terms too favourable. His financial measures for the reform of the currency, and in relation to the Bank Charter, were of the highest order ; in economic reforms, and in careful administration of the finances of the country, he has never been surpassed, and economists look back to his Government of 1841-46 with a sense of reproach to subsequent Governments, which have often professed, but have rarely practised, economy ; in foreign affairs he was prudent and sagacious, ever anxious to avoid war by soothing international difficulties ; in questions of social reform, which had not become the subject of party conflict, he was as advanced as any practical statesman of his day ; he carried, when Home Secretary, the great reforms of our penal laws which had long been advocated by Mackintosh, Romilly, and Brougham. Above all, he will ever be gratefully remembered for having carried the great measure which opened our ports to the commerce of all the world, and freed the food of the people. To the sound policy of this he had been converted by argument and experience, till he was the chief agent in the greatest of all fiscal and economic reforms, and not merely the unwilling instrument in carrying out a policy which agitation had made in-

evitable. The same high praise, however, cannot be accorded in relation to Sir Robert Peel in respect of his Irish policy. His connection with Ireland during his long political career was very close. Looking back at his forty years of political experience, it is not too much to say that no statesman of his day had so great an influence on the legislation and administration of Ireland. More than any of his contemporaries, he was responsible for the policy of England to that country during this long period. At the outset of his career he was Irish Secretary for the long term of five years, and already showed his strength of will and character by practically guiding the Irish policy of his Government, for little was heard of the Lord Lieutenant or the Home Secretary. He gave his utmost support to the party of Protestant Ascendancy, and there was no indication of any views beyond those of the intolerant faction to which he had allied himself.

The impressions which Peel received in Ireland must have largely imbued his mind during the whole of his political life, and although later he cut himself adrift from the Orange party, and honestly endeavoured to deal with Irish questions from an impartial point of view, he never lost his distrust and dislike of O'Connell and of the Catholic party. Apart, however, from his prejudices, he appears to have been wanting in personal sympathy, a quality so essential for the government of Irishmen. There was a constitutional coldness about him, from which he was never quite free, even in the heat of Parliamentary conflict. Lord Shaftesbury has said of him that he was "like an iceberg with a slight thaw on the surface;" \* and O'Connell, alluding to the same qualities in coarser language, said, "Peel's smile is like the silver plate on a coffin." Later, when Peel was Home Secretary between 1821 and 1827, he was again responsible for the Irish policy of his Government, and was chiefly concerned in directing it, for the Irish Secretary in this case was quite subordi-

\* "Life of Lord Shaftesbury," vol. i. p. 341.

nate. During this period he must be held mainly responsible for the refusal of the Catholic claims. After the accession of Canning to the Ministry in 1822, Peel was the only prominent member of it in the House of Commons who was opposed to these claims; it can scarcely be doubted that if he had consented to give way, or if he had refused to be a party to resistance, it would have been impossible to form an administration, on the principle of maintaining the exclusion of the Catholics from Parliament. It was due, therefore, mainly to Peel that England refused these claims at a time when the question was still in the phase of reasonable and constitutional demand.

On the death of Canning, Peel again consented to become the leader in the House of Commons of a Government pledged to resist the Catholics, and yet, before many months were past, he was compelled to concede to violence and menace what he had refused to argument and reason. To Peel, again, must be attributed the unfortunate measures and policy by which the concession to the Catholics was accompanied and followed, the restriction of the franchise of Ireland, the exclusion of O'Connell from the benefit of the Act, the denial to him and others of their just claims for precedence at the Irish Bar, and the continuance of the exclusive system of administration in Ireland, on the principles of the Protestant Ascendancy. It is certain that the long delay in making the concession, the mode in which it was finally effected, the humiliation to the Government in yielding to threats, and the irritating measures with which the Relief Act was accompanied, destroyed whatever prospect there had been that this great measure would tranquillize Ireland, and would make the Union acceptable to its people; and for this failure Peel, more than any of his contemporaries, must be held responsible.\* Later, when the Melbourne Government was

\* O'Connell had foretold this in his evidence before the Committee of the House of Lords in 1828. He said, "Unless Emanci-

formed, on the basis of an agreement with O'Connell, for carrying remedial measures for Ireland, and for administering that country on principles the reverse of those so long maintained by the Protestant Ascendency, the attitude of the Tory party must be mainly attributed to Peel. He was during this period their trusted leader, with unquestioned authority. His avowed policy was to make the Irish policy of the Government the main platform of party attack, to resist their measures to the utmost in the House of Commons, and, when beaten there, to use his majority in the House of Lords for the purpose of defeating them; and further, to use the authority and weight of that House for the purpose of harassing and weakening the administration of Ireland by Lord Mulgrave and Mr. Drummond. In these efforts he was most successful, but at a very serious cost to the permanent interests of the empire and the relations of the two countries. The course pursued completely alienated the National party in Ireland, which had been appeased by the action of the Whig Government, and led directly to the reopening of the question of Repeal; while it delayed, but did not permanently prevent, the passing of the measures which were objected to. If Peel had adopted for Irish questions the same wise policy with which he treated English questions, during the great Liberal impulse following upon the Reform Act of 1831; if he had refused to allow Irish questions to be the platform of party strife, and had allowed Lord Melbourne's Government to carry out its policy without hindrance, there was still hope that Ireland might have been conciliated, and that a popular feeling might have been created in that country tolerant of, if not favourable to, the Union.

The reopening of the Repeal agitation was directly due to the action of the Tory party in the House of Lords during these six years, and Peel, who, as leader of the opposition is given heartily and cordially, it will only give the Catholics additional power, and leave them the stimulant for exerting it."

of the party, might, through his influence with the Duke of Wellington, have prevented the unwise action of the Peers, was responsible for this, and had to reap, when he returned to power in 1841, the evil fruits of what he and his party had sown when in opposition. He recommenced his second period of office by reverting in Ireland to the old exclusive principles of administration, and he gave no promise of remedial measures. The Irish people, therefore, were justified in believing that the old system was restored in its integrity. Later, when the strength of the Repeal agitation became manifest, and when the difficulties of the Government in Ireland were fully disclosed, Peel became conscious that something must be done to appease Ireland. His views underwent a change; they expanded under the necessities of the time. He looked about him to discover what remedial measures could be devised. He broke completely with his former allies, the Orange party, and proposed schemes which were hateful to them. His measures, however, failed to effect permanent good for two reasons—the one that they were too late, that they had been extracted from him only by agitation; the other that they were not sufficiently in accord with Irish ideas. The grant to Maynooth was an exception to this. Peel cannot be too highly praised for his courage in proposing this, for his firmness in insisting on carrying it against the strong conviction of three-fourths of his own party. But the measure, though laudable in motive, was scarcely worth the great effort and sacrifice made in passing it. It was at best but a sop to the priesthood of Ireland. It could in no way be accepted by the Catholics as an equivalent to the monstrous injustice of the Established Church of the minority in Ireland, while it logically admitted their claims to a far wider measure.

The appointment of the Devon Commission to inquire into the conditions of the tenure of land in Ireland, and the grievances of tenants, was undoubtedly an important step in the right direction, but only on

the assumption that it was not merely with the object of staving off the question, but with the real intention of legislating, when the facts were fully collected. What excuse, however, can be made for the failure or neglect to legislate, when the report and evidence of the Commission showed so clearly the evils of the Irish land system, and the grave injustice of the law? It is true that legislation on such a subject, involving the adverse treatment of interests, which were then thought to be the indisputable rights of landlords, was difficult, if not impossible, in the face of the House of Lords, an assembly of landlords, where the only Irish interest represented was that which most needed dealing with. A justification, however, of this kind, for failure to legislate, is only a condemnation of the Act of Union; for it means that it was impossible under the system of Government to carry measures which the interests of Ireland required, and that English legislators could not be induced, through fear of its subsequent effect on English interests, to concede what was so urgently demanded by justice and expediency in Ireland.

With respect to the famine, and the measures taken to meeting the calamity, the extent of which Peel fully appreciated, it is difficult to acquit his Government of tardiness and inadequacy in its remedies. In view of the report of the Devon Commission, it is difficult to understand why some remedy should not have been devised to prevent the clearances of estates, the cruelty and injustice of which Peel admitted; still more so, the passing of a measure for the sale of encumbered estates, without some protection for the tenants, was quite unjustifiable.

The time has not yet come when a final opinion can be expressed on Peel's opposition to the Repeal movement. If England should ultimately determine to reopen the Act of Union, and to give to Ireland a separate legislature for dealing with Irish questions, and which, without separating the two countries or destroying

the imperial authority, shall satisfy her yearnings for autonomy, history will justly condemn the statesman, who declined to effect a compromise on this question with the greatest of Irishmen, at a time when it could have been effected with the minimum of strain. In any case, however, the proceedings against O'Connell and the principal leaders of the Repeal movement must be condemned. The agitation, as carried on by them on the lines recommended by O'Connell, was certainly not illegal. To prosecute them for their action, and to pack the juries with a view to their conviction, was a strain upon the law and the constitution. It was obviously impossible to obtain a verdict against O'Connell from any jury on which a single Catholic was allowed to sit. In other words, of the eight and a half millions of Irishmen, seven millions agreed with him and regarded him as their leader. His action, therefore, was in the highest sense political, and should have been dealt with politically; and if it was necessary to restrain and prevent O'Connell's action in the interest of the empire, the case should have been brought before Parliament and dealt with by special powers obtained from this the highest tribunal of the United Kingdom.

In dealing with the reputation of a statesman of the type of Sir Robert Peel—one who never attempted to lead or to form public opinion, who seldom took the initiative on any great question, but who closely observed and followed opinion, and gave effect to it when it could no longer be resisted—it is necessary to judge not merely by what he effected, but by what he neglected to do and by what he successfully resisted. Judging of Peel in this way with respect to Ireland, it is difficult to come to any other than an adverse opinion as to the general drift of his policy. During the forty years that he influenced or determined the policy of England to that country, he did little willingly to unite the two people in more friendly bonds. He was the principal actor in one great concession



and other smaller concessions ; but the great concession was made too late, and under circumstances and attended by other measures, which destroyed its efficacy as a healing measure, and the minor concessions were subject to the same infirmity. He resisted and postponed for many long years other most important measures, urgently needed for the peace and well-being of Ireland—measures which were subsequently carried, when agitation had wrung from British statesmen, what was denied to argument and reason.

But not the least of Peel's defects as regards Ireland was his want of sympathy for the vast majority of its people. In the long range of his speeches, there is scarcely a single passage in which he addressed the Catholics of Ireland, even when making concessions to them, in a strain of genuine sympathy. As already pointed out, this defect was in part constitutional. Lord Beaconsfield, in a description of Peel, in many respects appreciative and acute, said of him that "by nature he was shy, that his manner was artificial, haughty, stiff, and exuberantly bland," and that he was never quite at ease except in the House of Commons.\* Peel rarely spoke on the public platform ; he never passed through the ordeal of a contested election ; he had experienced little, therefore, of popular applause, and had felt little himself of popular sympathy. It was to the House of Commons that he devoted his life. There his influence was unrivalled. He had studied its moods through long years, and knew its measure better than any statesman of the present century. His speeches, without ever rising to the highest flights of eloquence, from want of the inward inspiration of passion or imagination, were models of perspicuous reasoning and skilful adaptation to his audience. No one knew better the flaws of his own case, or the strength or weakness of his opponents' arguments. His style was didactic and diffuse,†

\* "Life of Lord George Bentinck," p. 319.

† A contemporary of Sir Robert Peel told the writer that, sitting

ranging over the whole field of discussion, and treating or avoiding with the greatest skill the points of difficulty and danger. A distinguished presence and powerful voice contributed to his personal influence in the House of Commons. His power of transacting business in it was unrivalled. His standard of public duty has rarely been equalled, never excelled. Lord Beaconsfield well summed up his qualities in saying that he was the greatest member of Parliament that ever lived. He was also the statesman most representative of the middle classes of England, from whom he had sprung, and who then controlled the House of Commons, with all their strength, and many of their weaknesses, with their caution and lack of enthusiasm, with their religious beliefs and prejudices, their love of order and respect for law, but also their want of sympathy with the ideas of other races. The very qualities which made his success as an English Minister, which secured his influence in the House of Commons and the confidence of those, who were, in his days, the governing classes of England, and which made him safe and in so many respects truly great, as a ruler of the empire, rendered him unfitted to govern with success the Irish people, and deprived his measures for them of healing power.

on one occasion next to him in the House of Commons, and being about to rise and speak, he asked whether it would be well to be short and concise. The answer of Peel was, "No; be long and diffuse. It is all-important in the House of Commons to put your arguments in many different forms."

## CHAPTER IV.

FIFTY years had elapsed between the Act of Union and the death of Sir Robert Peel ; it is worth while to consider how far during this time the expectations held out by Mr. Pitt had been realized ; whether mutual harmony and confidence had been established between the two nations, and whether the Empire had been made more powerful and secure by Ireland becoming more free and more happy. The answer, it cannot be doubted, must be in the negative. During the interval, with the exception of two short periods, Ireland had been in a state of feverish agitation ; was the scene of internal discord, and the subject of repression and oppression from without. The two periods of exception to this were the few years immediately succeeding the Union, and those of the second Melbourne Administration between 1835 and 1841. In the first of these periods the Irish were in a state of expectation, hoping for the realization of the promises held out by Mr. Pitt, and by which the Union had been carried. It was only when it became clear that these promises would not be carried that an agitation arose, which, gaining force year by year, gradually absorbed all the energies of four-fifths of the nation, and eventually forced the hands of the Government and compelled concession. O'Connell and Peel were the respective representatives of the two opposing forces throughout the greater part of this great controversy. It was O'Connell who had organized the Catholics of Ireland into a compact body, and who taught them how to

carry agitation to the point of making the country ungovernable without infringing the law. Peel for many years was the leader of the Protestant party in the House of Commons, and without him their cause would have broken down years before the final defeat.

If Ireland had been left to itself, there can be little doubt that the Catholic Emancipation would have been carried at least a generation earlier. The effect of the Union was to relegate the decision on this Irish question to the electors of England and Scotland, and to import into it the Protestant prejudices of these people. When the concession was finally made, it was difficult, from an Irish point of view, to conceive a position more humiliating than that of the English statesmen, who were obliged, when yielding, to confess that they had conceded only to agitation and the fear of rebellion; and who endeavoured to cover their retreat in the eyes of the English people, by the petty acts of spite against the Irish leaders, and by the suppression of three-fourths of the Irish electors, which deprived their measure of its grace, and rendered it as little acceptable as possible.

It is equally difficult to appreciate the want of statesmanship and the official blindness of those, who admitted the necessity of legislation in the interest of the Catholics, but who thought that the mere alteration of the law was sufficient. If Ireland alone had dealt with the question, it can scarcely be doubted that the change of law would have been accompanied by a change of administration, and that other institutions—such as the Church, the University, and the Corporations—would have been soon modified in accordance with the new principle of religious equality. The English statesmen, however, whether of the school of Wellington and Peel, or of Grey and Stanley, continued in the old groove, and imagined that they could govern Ireland on the old principle of Protestant Ascendancy, even after the legal recognition of equality by the Catholic Relief Act. What wonder that Ireland con-

tinued disturbed, and that the severest of Coercion Acts was of no avail to stem the discontent or to prevent outbreaks of crime?

The short period which followed during the Melbourne Administration was the one bright spot of Irish history during the fifty years. For the first and only time there was complete harmony of views between the Government and the Irish leaders. The compact between O'Connell and the Whig statesmen, by which the Whig Government was sustained in power, upon condition of administering Ireland, and legislating for it, in a totally new spirit, was of inestimable value. While it lasted, peace and content prevailed in Ireland. During this period O'Connell and Peel were again the real opposing forces. To O'Connell was mainly due the compact. But for him the Whigs would probably have fallen back on the old methods; the necessity they felt for his support, the effective manner in which it was rendered, the undeviating honesty with which he carried out his part of the bargain, and the power which he held in reserve of reopening the Repeal question, which he had allowed to subside, kept the Whigs to their promises. To Peel must be mainly attributed the tactics of making the Irish policy of the Government, whether of legislation or administration, the main point of attack during these years,\* and of using the House of Lords as the engine for defeating measures which had been accepted by the representatives of the Irish people, and passed by the House of

\* Lord Macaulay, in his great speech on the state of Ireland in 1844, thus speaks of Peel's policy during the Melbourne Administration:—"During six years an opposition, powerful in numbers, formidable in ability, selected the Administration of Ireland as the object of their fiercest and deadliest attacks. Those Lord Lieutenants who were most popular in Ireland were assailed as no others had ever been assailed, and assailed, too, for those very efforts of their Administration which were the chief causes of the conciliation of the Irish people. Every legislative Act, too, without exception, introduced by that Government for the advantage of Ireland, was either rejected altogether or mutilated."—Hansard, 3rd Series, vol. lxxii. p. 479.

Commons. A more foolish and short-sighted political game could not be conceived. Unfortunately, it was as successful as it was mischievous. The Irish policy of the Government was not popular in England, and was the ultimate cause of its defeat at the next general election. But the rejection of the Irish measures by the House of Lords accomplished much more than the defeat of the Ministers who had proposed them; it destroyed the last chance of the Union being accepted by Ireland as a final settlement.

On the return of the Tory Government to power in 1841, the antagonism of the two great leaders of opinion on either side of the Irish Channel was again brought into strong relief. It is the necessary consequence of the centralizing system effected by the Union that when the Tory party is in power in England, its allies must also be supreme in Ireland, although it has there the support of only one-fourth of the people. The return to power, therefore, of the Tory party in 1841 was signalized in Ireland by a renewal of the Protestant Ascendancy; this, and the failure of the Whigs to carry their measures, were the motives with O'Connell for the renewal of the Repeal question. The extraordinary outburst of popular feeling in Ireland which this occasioned, and which was a surprise even to O'Connell, was due to the pent-up feelings of the Irish people. They had learned, by long years of experience, to despise and hate the administration of their country, and to distrust the Imperial Parliament. They had been taught that it was by agitation only, carried to the verge of civil war, that any concession could be obtained. Peel was again the main opponent of O'Connell. He met the movement with courage. Relying on English opinion, he determined to put it down. The methods he adopted, in the perversion and manipulation of the judicial proceedings of Ireland, in order to obtain a conviction of O'Connell and the other leaders of the movement, were unwise, and might have been disastrous had

O'Connell been physically equal to his task. As it was, the temporary suppression of the constitutional agitation for Repeal led to a renewal of the separatist movement under the "Young Ireland" party.

Meanwhile economic and social changes were taking place in Ireland, of which the causes may also be traced to a great extent to the Union. This measure increased greatly the motives for Irish landlords to become absentees, and to spend their incomes in England ; \* it tended to impoverish this class by bringing them into competition with the far wealthier persons of the same class in England. Their poverty and their needs, and their hopes of obtaining political influence in the Imperial Parliament, induced them to adopt the system of letting their lands to middle-men, who relet in very small lots at competitive rents ; and thus a pauper tenantry was created without any of those restraints upon the increase of population, which are elsewhere afforded by a widely distributed ownership of land, and without those incentives to industry and thrift caused by fixity of tenure. By the growth of this system, by the centralization established by Peel, and by their defeat in the great political agitation on the Catholic question, the landlords lost all their local influence, and came to be regarded only as rent-receivers, without any ostensible function in the social system ; the more hated because they were identified since the union with an alien rule, and were regarded as the garrison by which and for which the administration was maintained.

\* Arthur Young had foretold this. In his "Tour in Ireland," he says, "In conversation upon the subject of a union with Great Britain, I was informed that nothing was so unpopular in Ireland as such an idea, and that the great objection to it was increasing the number of absentees. While it was in agitation twenty Peers and sixty Commoners were talked of to sit in the British Parliament, which would be the residence of eighty of the best estates in England. Going every year to England would by degrees make them residents ; they would educate their children there, and in time would become mere absentees ; becoming so they would be unpopular, and others would be elected, who, treading in the same steps, would yield their places still to others." Pinkerton's "Voyages," vol. iii. p. 817.

The famine fell upon this abnormal and unhealthy system with fatal effect. Seldom in the history of any country has there been a more lamentable breakdown of administration than in the early measures by which Peel and Russell endeavoured to cope with it. This was due in part to the delay in proposing remedies, caused by the ministerial crisis in Peel's cabinet, and to the necessity for raising the whole question of Free Trade, before determining what should be done for Ireland, and to the further delays caused by the change of Government, and in part also to excessive centralization, and to the unwise endeavour to carry out public works in every part of Ireland by agents of the Government. It is certain that the loss of life which attended the famine might have been to a great extent averted if no such delays had taken place, if Ireland had been allowed the initiative in measures for its relief, and if at an early period, in accordance with the advice tendered by O'Connell, the burthen of relief had been thrown upon the landowners. This was but one of many evidences of the evil of centralization. In no single case could it be said that legislation, during the period referred to, was carried out at the time or in the manner which public opinion in Ireland required it. In almost every case legislation was delayed till agitation made it impossible to refuse, and when the measures of relief were accompanied or preceded by measures of coercion to put down the disturbances which had their origin only in the neglect of remedies. It is not difficult to conceive what would have happened had Ireland been left to manage its own internal affairs, and if the Act of Union had been confined to provisions for the settlement of the common affairs of the two countries. An Irish Parliament would probably have proceeded onwards in this direction already so wisely commenced by the Parliament of 1793. Under the direction of statesmen such as Grattan, Plunket, Parnell, and others, it would have opened the portals of the constitution to



the Catholics at an early date ; the great subjects of the tithes, the corporations, the Church, and the land, would have been settled by mutual concession before they became such burning questions ; and all the forces of the Irish social system might have been welded together instead of being separated and divided. Of the many bad effects of the destruction of the Irish Parliament and the suppression of autonomy, unquestionably the worst has been that it induced the Protestant minority to look for support in England, and to dissociate itself more and more from its fellow-countrymen in Ireland, and that it tended continually to sectarianize and divide a people, who by the physical conditions of their country, should be one community.

Another effect of the Union, which was not long in showing itself, was the increased cost of the administration of Ireland, caused, in part by the chronic discontent of its people, and in part by the removal of all check on the expenditure of imperial funds there. The government of Ireland had been very economically carried on, so long as the charge fell directly on its people, and was subject to the control of its Parliament. After the Union, its administration became in time one of the most costly, wasteful, and least efficient in Europe. Although its taxes were largely increased, the expense of governing it increased in a much greater proportion. It was found necessary to double the military forces in Ireland ; and during the war with France, and during times of civil commotion, between 40,000 and 50,000 soldiers were quartered there, or nearly four times the average number before the Union. The Irish Constabulary, first established by Peel, in 1814, was gradually increased, till it reached the number of 12,000, a highly centralized and semi-military force, which had little effect upon agrarian crime. After paying the cost of administration, the revenues of Ireland did little more than recoup to the imperial exchequer the cost of the army and police maintained

there ; and practically no contribution was derived from it in aid of the common expenses of the United Kingdom, or for the army and navy necessary for the maintenance of the Empire. Ireland, therefore, was no source of increased strength to the Empire, but rather the reverse, as in time of war it required an increased force to keep down the spirit of discontent and disaffection. During the same period, also, Irish questions were the constant cause of embarrassment and confusion in English and imperial politics. Of the many changes of Ministries during the fifty years, only two, those in 1830 and 1841, were not directly due to this cause ; and even in these two the outgoing Governments owed the loss of confidence in them of the electors of Great Britain to their Irish policy.

These evil effects, however, of the Act of Union, and the justice of the complaints of the majority of the Irish people, were long in becoming apparent to any important section of the English people. For a time, and owing to a concurrence of circumstances—the waning energies and subsequent death of O’Connell, the serious split in the ranks of the Repeal party, the resort to physical force of the more advanced section, the extreme depression of the people of Ireland, caused by the overwhelming calamity of the famine, and the betrayal of their promises by a section of the Irish Catholic representatives in 1850,—the policy of the repression was successful. Disaffection was driven below the surface ; open agitation for Repeal was checked. For some years no more was outwardly heard of it. But the opinions of the bulk of Irishmen were not altered. They were, if possible, more embittered against the Government and against England. Below the surface secret societies increased in number and force. Millions of Irishmen carried with them across the Atlantic, under a forced emigration, a sense of wrong, aggravated by the circumstances under which large numbers of them had been compelled to give

up their holdings. This laid the seed of future and greater troubles. When Ireland awoke again, after years of resolute government and neglect of remedial legislature, to a renewed agitation, it was in response to a summons from a greater Ireland beyond the seas, embittered by experience and traditions of injustice and wrong.



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